DOCUMENT RESUME

ED 174 385 RC 011 580

TITLE The Emergence of Civil Rights in Wyoming.
INSTITUTION Wyoming State Advisory Committee to the U.S. Commission on Civil Rights, Cheyenne.
PUB DATE Dec 78
NOTE 57p.

EDRS PRICE MF01/PC03 Plus Postage.
DESCRIPTORS American Indians; *Civil Liberties; *Civil Rights; Economic Opportunities; Equal Education; Equal Opportunities (Jobs); Feminism; Handicapped; Health Needs; Hearings; Housing Discrimination; Medical Services; Mexican Americans; *Minority Groups; *Needs Assessment; *Problems; Sex Discrimination; *State Action
IDENTIFIERS *Wyoming

ABSTRACT

Local, state, and federal government representatives and private citizens participated in a two-day consultation on civil rights in Wyoming. Panel discussions focused on the difficulties of civil rights enforcement in the areas of housing and economic opportunity, medical care, education, the handicapped, employment discrimination, and women's rights. The conference found civil rights enforcement in Wyoming to be fragmented and uneven; among the problems discussed were the lack of a state fair housing law, overly restrictive eligibility guidelines for medicaid services, and confusion about the implementation of affirmative action to end sex discrimination in education. Based on the findings of the conference, the Advisory Committee recommended the following actions: (1) creation by statute of a state human rights commission with powers to rectify discrimination in housing, public accommodations, and employment; (2) appropriation of funds to increase staffing of the Wyoming Fair Employment Practices Commission; (3) creation of public health centers in each county of the state; (4) expansion of medicaid services to include marginal income persons; (5) development by the University of Wyoming of an effective affirmative action plan; and (6) effective monitoring of laws protecting the rights of the handicapped. (JH)

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The Emergence of Civil Rights in Wyoming

A report prepared by the Wyoming Advisory Committee to the U.S. Commission on Civil Rights

ATTRIBUTION:

The findings and recommendations contained in this report are those of the Wyoming Advisory Committee to the United States Commission on Civil Rights and, as such, are not attributable to the Commission. This report has been prepared by the State Advisory Committee for submission to the Commission, and will be considered by the Commission in formulating its recommendations to the President and Congress.

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LETTER OF TRANSMITTAL

The Wyoming Advisory Committee
to the U.S. Commission on Civil Rights
December 1978

MEMBERS OF THE COMMISSION
Arthur S. Flemming, *Chairman*
Stephen Horn, *Vice Chairman*
Frankie Freeman
Manuel Ruiz, Jr.
Murray Saltzman

Louis Nuñez, *Acting Staff Director*

Dear People:

The Wyoming Advisory Committee, pursuant to its responsibility to advise the commission on civil rights in the State, submits this report of a consultation on civil rights issues in Wyoming.

The members of the Wyoming Advisory Committee found in 1977 that knowledge of civil rights laws and concerns in Wyoming was scant. Although equal rights laws were on the books, the general public seemed unaware of their presence or impact. Since no public conference to discuss civil rights issues in Wyoming had ever been held, the Advisory Committee decided to conduct a 2-day consultation on civil rights issues in the State with experts speaking about problems in fair housing, medical care, education, discrimination against the handicapped, and employment.

As a result of the proceedings, the Advisory Committee has concluded that a State human rights commission and an effective fair housing law, enforced through that agency, need to be instituted. The Committee also believes that establishing an affirmative action program for the hiring of minorities and women within the State government is imperative.

In terms of medical care, the consultation found that four counties in Wyoming have no public health center. State law narrowly defines qualifications for medicaid services with the result that marginal income people, who are disproportionately minority and female, are disqualified from service.

The Committee has concluded that confusion exists in the implementation of Title IX of the Education Amendments of 1972 that calls for an end to sex discrimination in education. The University of Wyoming has an ineffective affirmative action program that the Wyoming Department of Education should monitor. The recent implementation of handicapped laws makes it imperative that a State human rights commission be created to monitor such laws. In addition, the Advisory Committee has found that at present the Wyoming Fair Employment Practices Commission is woefully understaffed.

We urge you to consider this report and make public your reaction to it.

Respectfully,

Juana Rodriguez, *Chairperson*

WYOMING ADVISORY COMMITTEE
TO THE
UNITED STATES COMMISSION ON CIVIL RIGHTS

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THE UNITED STATES COMMISSION ON CIVIL RIGHTS

The United States Commission on Civil Rights, created by the Civil Rights Act of 1957, is an independent, bipartisan agency of the executive branch of the Federal Government. By the terms of the act, as amended, the Commission is charged with the following duties pertaining to denials of the equal protection of the laws based on race, color, sex, religion, or national origin, or in the administration of justice: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to denials of equal protection of the law; maintenance of a national clearinghouse for information respecting denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

THE STATE ADVISORY COMMITTEES

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 as amended. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Advisory Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

ACKNOWLEDGMENTS

The Wyoming Advisory Committee wishes to thank the staff of the Commission's Rocky Mountain Regional Office, Denver, Colorado, for its help in the preparation of this report.

The investigation and report were the principal staff assignment of William Levis, with assistance from Cal E. Rollins and support from Esther Johnson, Cathie Davis, and Linda Stahnke. The project was undertaken under the overall supervision of Dr. Shirley Hill Witt, Director, Rocky Mountain Regional Office, and William F. Muldrow, Deputy Director.

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Preface

In June 1977, the Wyoming Advisory Committee to the U.S. Commission on Civil Rights issued its first report on civil rights issues in the State. The study, *Abortion Services in Wyoming*, analyzed the availability of medically necessary and nontherapeutic abortions in the State's public hospitals. The report found that access to this surgery is limited in Wyoming.

Several months later, the Advisory Committee submitted a report to the Commission on the laws prohibiting discrimination in Wyoming and on civil rights issues still of concern in the State. This report was combined with similar reports from the Commission's other 50 Advisory Committees to form a 221-page document entitled *The Unfinished Business: Twenty Years Later . .*, that was released to the public in September 1977.

In part, based on the two 1977 reports, the members of the Wyoming Advisory Committee voted in September 1977 to conduct a consultation on civil rights issues in the State. The Committee had found, in collecting information for the two reports, that knowledge of civil rights laws and concerns in Wyoming was scant. The State legislature had passed most of the laws necessary to guarantee equal rights, yet the public was unaware of their presence or impact. A public conference to discuss civil rights issues had never been held in Wyoming. For example, State residents were unaware that, although Wyoming was the first government to allow women to vote (in 1869), it has failed to pass a fair housing law.

Because of this prevailing lack of knowledge of civil rights activities, the Advisory Committee members enthusiastically supported the idea of an educational conference or consultation on discrimination. Therefore, on November 10 and 11, 1977, the Wyoming Advisory Committee sponsored a 2-day consultation on civil rights in the "Equality State" (so named for becoming the first government in the United States to allow women to vote). The conference was divided into topic areas, and experts from local, State, and Federal governments, along with private citizens, were invited to participate. Panel discussions were conducted on a number of issues: fair housing, medical care, education, discrimination against the handicapped, and employment. Each panel was moderated by a member of the Advisory Committee, who introduced the individual presentations and solicited questions from the audience and panel participants.

Juana Rodriguez, the chair of the Wyoming Advisory Committee, opened the 2-day consultation at the First United Methodist Church in Cheyenne. She reviewed the jurisdiction of the U.S. Commission on Civil Rights and its Advisory Committees and described the agenda and purpose of the consultation. After her presentation, Stan Torvik, State planning coordinator, welcomed the participants to the conference on behalf of Governor Ed Herschler. A legal overview of civil rights enforcement in Wyoming was given by William Levis, attorney of the Commission's Rocky Mountain Regional Office, followed by the specific panel discussions. On Friday afternoon, November 11, five audience members who had been especially invited for the task reviewed the 2-day consultation. Other members of the audience also gave their comments.

In all, 10 Advisory Committee members participated in the conference along with 35 panel members. Approximately 100 people attended all or part of the consultation that was covered by the news media.

This report seeks to encapsulate the 2 days. The 409-page transcript of the consultation, in edited form, provides the basis for this report. The editing of the transcript was undertaken only to make the presentations easier to read. Each participant was given an opportunity, prior to publication, to review the statements attributed to him or her. A short commentary has been added to the beginning and conclusion of each panel discussion section of the report. The findings and recommendations found in each section are summarized at the end of the report.

The Committee members hope readers will find this document not only informative but also thought-provoking. All persons who attended the conference will receive a copy of this report. The Advisory Committee wishes to take this opportunity to thank all of them for participating in what was a history-making event: the first consultation on civil rights held in Wyoming.

Chapter 1

Introduction

The consultation began at 9 a.m. on November 10, 1977. Juana Rodriguez, the chairperson of the 13-member Wyoming Advisory Committee, opened the consultation with a description of the agenda for the 2 days and a review of the role and function of the U.S. Commission on Civil Rights. She summarized the agenda for the 2 days. (Though editing has been done to make the presentations easier to read, the comments that appear are those of the participants who were given an opportunity to review them before publication of this report.)

Juana Rodriguez, Cheyenne, Wyoming

For 2 days, the Wyoming Advisory Committee to the U.S. Commission on Civil Rights is sponsoring a consultation on civil rights in the State. It is the first consultation on civil rights held in Wyoming. It brings together for the first time local, State, and Federal officials as well as interested individuals to talk about issues of mutual concern.

The conference is being held pursuant to rules and regulations applicable to Advisory Committees and according to other requirements promulgated by the U.S. Commission on Civil Rights. The Commission is an independent, bipartisan, factfinding agency of the Federal Government, established in 1957 and authorized to investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, sex, religion, or national origin; to collect and study information concerning legal developments which constitute a denial of equal protection of the laws under the Constitution; to appraise Federal laws and policies with respect to denials of equal protection of the laws; to serve as a national clearinghouse for civil rights information; and to investigate allegations of voter fraud in Federal elections.

The U.S. Commission on Civil Rights has constituted Advisory Committees such as ours to advise it of relevant information concerning matters within its jurisdiction and of mutual concern in the preparation of Commission reports to the President and Congress. The Advisory Committee also receives reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the Committees, and its members attend, as observers, any hearings or conferences which the Commission may hold.

This conference features panel discussions of civil rights issues composed of Federal, State, and local officials and interested individuals. After a welcome from Governor Herschler's designate, Mr. Stanley Torvik, and an overview of civil rights laws in the State, the first panel will discuss housing opportunities for minorities and women in Wyoming. Participants then will talk about health care in the State. Next, a panel discussion will be held on educational opportunities in Wyoming. The first day's agenda closes with a discussion of the rights of the handicapped. The consultation begins the second day with two panels on employment discrimination and one on women's rights. The conference will close with community participants who will react to the presentations of other panelists and offer suggestions to improve civil rights enforcement.

Every effort was made to invite the most qualified and exciting panel participants, knowledgeable about the topics discussed. After individual presentations are made, the panel moderator will invite questions from the audience and other participants. The conference will provide the basis for a report by the Advisory Committee.

Remarks on Behalf of Governor Herschler

Stanley Torvik, State Planning Coordinator

Civil rights in Wyoming is a subject that has not received a lot of headlines. It's something that we traditionally have not discussed as such in this State. However, over the last few years, very quietly and somewhat methodically, we have made a good deal of progress through the agencies that administer most of the programs to people in this State.

Some of the areas that come to mind immediately include employment, particularly for minorities. Increasing funds have been made available both from the Federal Government and from our State legislature to implement programs for jobs for minorities. Emphasis is now being placed on children and youth, a subject that a few years ago we didn't really feel the need to address. This includes employment programs for youths. In the last 7 years we have had a whole series of programs for senior citizens. We're now spending nearly $5 million a year on those programs. The issue of women's rights was addressed 10 years ago quietly with the creation of a Commission on the Status of Women. It's been very active and I'm sure will be even more active in the near future.

Developmental disabilities and physical handicaps have been fairly well addressed in the last 3 to 5 years. It's going to be a significant issue in the next 2 years, particularly within the legislature. Programs for developmentally disabled are increasing in both size and in locations throughout the State. They're going to need to be addressed more permanently in terms of funding mechanisms for them, and in terms of identification of those individuals who require those services. Very recently the advocacy plan for the developmentally disabled—a landmark step for our State—was created. Our education system is now gearing up for providing additional new kinds of services in the area of special education of all kinds to those who require it.

This consultation is an excellent forum for discussion of those areas that have not been adequately addressed and a discussion of some potential areas that need to have more attention, more dollars, more staffing, and perhaps some ways to broaden the whole scope of services to people in Wyoming.

Legal Background

William Levis, Regional Attorney, Rocky Mountain Regional Office, U.S. Commission on Civil Rights

Wyoming was active in civil rights legislation even before it became a State in 1890. In fact, approximately 50 years before the 19th amendment was added to the U.S. Constitution in 1920, women were assured of the rights to vote and to hold political office in the State [Wyo. Const., art. 6, §1]. The event is memorialized in the statue of Esther Hobart Morris, the first female justice of the peace, in front of the State capitol.

In 1876 the territory of Wyoming enacted a law prohibiting discrimination in the compensation of public school teachers because of race, sex, or religious belief. [Wyo. Stat. §21.1–173]. At least four sections of the original State constitution which are still in effect emphasize equal opportunities for minorities and women. Two of them stress that all people are equal regardless of race, color, or sex [Wyo. Const., art. 1, §§2 and 3]. The State constitution also contains two provisions that affect the educational opportunities of women and minorities. One section ensures that all persons have equal access to public schools [Wyo. Const., art. 7, §10]. The other section guarantees that the University of Wyoming will be open to all students regardless of sex, race, or color [Wyo. Const., art. 7, §16].

It was not until 1957, however, 67 years after the Wyoming Constitution was enacted, that the State legislature reaffirmed its adherence to some of the constitutional principles. The same year that the U.S. Commission on Civil Rights was created, Wyoming affirmed that the right of life, liberty, and the pursuit of happiness or the necessity of life would not be denied because of race, color, creed, or national origin [Wyo. Stat. §6–223].

Both laws lacked jurisdiction over sex discrimination and enforcement powers. However, in 1959, the Wyoming Legislature passed a statute mandating that women and men receive equal pay for equal work [Wyo. Stat. §27–210.2]. Three years in advance of the Federal Government, the State enacted a law in 1961 prohibiting discrimination based on race, religion, color, and national origin in all public places [Wyo. Stat. §6–83.1].

In 1965, the State fair employment commission was established [Wyo. Stat. §§27–257 to 264]. The legislation makes it unlawful for employers and labor

unions to refuse to hire, discharge, demote or promote, or discriminate in matters of compensation because of race, sex, creed, color, national origin, or ancestry. As with other commissions throughout the Nation, the Wyoming agency has the power to conciliate and hold hearings. Commission determinations are enforceable and appealable through the State court system.

The Wyoming Legislature has passed several other laws which have assisted the State in living up to its nickname as the "Equality State." Unfortunately, Wyoming is still one of approximately a dozen States which did not follow the lead of the Federal Government in 1968 and pass a fair housing law. This lack of a State mechanism to combat housing discrimination is one reason the Wyoming Advisory Committee sponsored the consultation.

Several laws of major significance have been passed by the State legislature in the last 10 years. In 1967 a statute was enacted making it unlawful to discriminate on the basis of race, creed, color, or national origin against applicants of medical assistance programs [Wyo. Stat. §42–73]. Two years later, the legislature created the Wyoming Commission on the Status of Women; this 27-member committee, once chaired by Advisory Committee Member Edna Wright, is similar to the U.S. Commission on Civil Rights in that it collects information and publishes reports relating to discrimination, although it has no enforcement powers. The Wyoming Commission studies developments in education, employment, the home and community, and in the legal rights and responsibilities of women [Wyo. Stat. §9–229.1].

Two laws of major civil rights impact were enacted by the State lawmakers during the 1977 legislative session. The first of the two statutes, both of which took effect in May 1977, makes the sexual assault law neutral on its face. Distinctions in the law are no longer based on the sex of the assailant or the victim but rather on the severity of the offense [Wyo. Stat. §§6–63.1 to 63.13]. The other statute overhauls the abortion laws in Wyoming. The new State law defines what an abortion is and mandates for the first time the keeping of statistical information on the number and types of abortion services [Wyo. Stat. §§35–221.12 to 221.27].

Chapter 2

Housing and Economic Opportunity

The first panel discussion was convened at 9:30 a.m. and was moderated by Advisory Committee Member Jamie Childs Ring from Casper. The participants were Jeff Frant, director of the Fair Housing Enforcement Division in the Denver regional office of the U.S. Department of Housing and Urban Development (HUD); Cliff Osborne, director of housing at the University of Wyoming in Laramie; Ray Quintana, director of SER-Jobs for Progress in Cheyenne; Al Duran, director of Community Action of Laramie County in Cheyenne; and James F. Reynolds, director of the Colorado Civil Rights Commission. The panelists focused on housing laws and opportunities in Wyoming and how they affect employment opportunities of minorities, especially Chicanos, in the State.

Statement of Panelist Jeff Frant

Last night I picked up the *Wyoming State Tribune*, which has the equal housing opportunity logo and statement which reads:

> We are pledged to the letter and spirit of U.S. policy for the achievement of equal housing opportunity throughout the Nation. We encourage and support an affirmative advertising and marketing program in which there are no barriers to obtaining housing because of race, color, religion, sex, or national origin.

And then I looked at the ads for realtors on that very same page, and I could find no logo for fair housing or equal opportunity. What we have, as one of the problems in fair housing, is a difference between the rhetoric and the reality.

The recent publication of the U.S. Commission on Civil Rights, *The Unfinished Business, 20 Years Later*. . ., states that the the right to equal access to housing remains a major civil rights concern in Wyoming despite the passage of the Federal fair housing law. It is also a major concern of the Department of Housing and Urban Development, which supports State fair housing and local fair housing laws, and we will do everything within our power to assist States which are interested in passing this sort of legislation.

It seems unnecessary to me that the Federal Government would have to come to Wyoming and handle complaints of discrimination from the Federal level when this mechanism could be set up and handled at the local level by people who know the local problems and who are sensitive to the minorities of their own State.

The Federal fair housing law passed in 1968 states that it's simply the policy of the United States to provide for fair housing within constitutional limitations. There's nothing plainer than that. Our elected representatives have stated that it is national policy to achieve equal housing opportunity.

Wyoming, as many other Western States, was settled on the basis of fair housing, of fair access to land. Huge amounts of public lands, trust lands, were opened up over the last 100 years in small lots to settlers, and the people moved from east to west as a result of this tremendous incentive of an open lands policy. What we have seen over the years is a sort of pullback from this basic foundation on which Wyoming and other Western States were settled. Social, economic, and political realities have created holds on equal access to housing, mostly with respect to minorities and women.

The right to equal housing opportunity is a primary factor in determining the quality of life. It's related to equal access to jobs, good schools, prestige, and to financial success. But the reality is unequal housing opportunity. And there's no question that the role of the individual homeowner or seller of property or renter is important, but of major

importance is the role of housing-related institutions that exist in every State.

The housing industry, private developers, mortgage lenders, State and local government have all played an either knowing or unknowing role in limiting equal housing opportunity, as the U.S. Commission on Civil Rights has so often pointed out.

For example, at one time racially restrictive covenants were common in the transfer of land; one person could not transfer legally to another person if the clause read in the contract, "whites only." In addition, there were laws back in the early 1900s that said certain blocks had to be set aside for blacks, certain blocks for whites. And, of course, overt measures such as cross burnings, letters, midnight phone calls, and night riders have not been uncommon. Even to this day in Colorado, it occurs with surprising frequency.

There have been several major steps that we've seen over the years to achieve equal housing opportunity. Several Supreme Court cases have taken away the rights to enforce a racially restrictive covenant which provide for block by block segregation on a legal basis. Of course, there is the 1954 *Brown v. Board of Education* case, which says separate is not equal.

The Federal Government got involved in equal housing opportunity with a 1962 Executive order that said federally-assisted housing must be available on an equal opportunity basis. Housing on military bases built with Federal funds would have to be equal and available to all servicemen, regardless of their race, color, or national origin.

In 1964, the Civil Rights Act, was passed. Title VI of that act stated that, if there was as little as one dollar of Federal funds to a program at the local level, beneficiaries could not be denied access because of race, color, or national origin.

Title VIII (the Federal Fair Housing Act) in 1968, and the Housing and Community Development Act in 1974, as amended in 1977, have reiterated the 1964 acts prohibiting discrimination in federally-financed programs and have added employment discrimination as something HUD is very concerned about. If even one Federal dollar goes to a local agency, then HUD has a right to do some monitoring of that agency to determine whether or not there is employment discrimination on the staff.

There are also the Equal Credit Opportunity Act and the Federal Home Loan Mortgage Disclosure Act. These acts are related to the availability of credit, credit for purchase of goods, and credit for housing. One of the major purchases for anybody in a lifetime is a $60,000 home, and financing for this purchase has not been available on an equal basis, historically, throughout this country. The Federal Government through its elected representatives, has now spoken on this point.

Title VIII is something that is concrete. HUD has investigators who go out into the field, go into Wyoming to investigate complaints of discrimination. If HUD, after a full investigation, determines to resolve the matter, we can sit down with the parties and negotiate for remedies. There's a HUD complaint form which every social agency in Wyoming should have at their disposal. If you're not going to have a State agency that can enforce fair housing in the State, then the Federal Government will respond to a complaint form that's properly filled out; we will come to Wyoming promptly to look into the situation. Title VIII covers over 80 percent of all transactions with respect to the sale and rental of housing. It also covers discriminatory advertising as the *Cheyenne Tribune* pointed out.

In Wyoming during the last fiscal year [1977], we received only four complaints. In two of these, it was determined that there was discrimination. They were successfully conciliated and damages in the amount of $1,150 were awarded. We find our complaints centering in the major centers of population, Laramie and Rock Springs.

HUD is also involved in other equal opportunity endeavors. One would be enforcement of Section 109 of the Housing and Community Development Act, which provides $4 billion in Federal assistance to the States, and we will do compliance reviews here in Wyoming to determine whether or not this money is financing programs which are reaching the people without regard to race, color, religion, or national origin.

We also determine affirmative action compliance in HUD-funded construction contracts under Executive Orders 11246 and 11375 issued by President Johnson. The employers should work with the unions to make sure that all union training programs are open to everyone to reach the journey level without regard to race, color, sex, or national origin.

HUD is very committed, from the Secretary on down, to the concept of affirmative action by these institutions that I mentioned before—the bankers, the builders, etc. We have one agreement here in Wyoming with the Casper Board of Realtors. We're

not anxious to hit you over the head and say, "You've discriminated." Let's give the industry an opportunity to take positive steps before discrimination comes up, such as using the equal opportunity logo, the fair housing poster, equal opportunity training for employment of minority real estate salespersons, and that sort of thing.

Everyone seems to be mentioning passage of a State law. There's one in Montana, there's one in South Dakota, and there's a very good one and well-enforced one in Colorado, and I see no reason why this State should not have one. Local ordinances also can play the same role. In addition, individuals and groups at the local level can push for affirmative agreements to provide for equal opportunity in housing.

The community development block grant funds are going to be monitored through citizen input before they are spent each year. This monitoring is to find out whether, in fact, the communities are providing services to the poor, low, or moderate income families. Seventy-five percent of all funds from the community development block grant program under the current legislation must be spent for low- and moderate-income persons. The local people in the State of Wyoming can monitor, as HUD is doing, to ensure that the intent of the legislation is carried out.

You can work to identify and remove the impediments to low- and moderate-income housing in the State. A community does not want low- and moderate-income housing sometimes if they think it's going to be a repository for minorities. It is becoming increasingly difficult, if not illegal, for communities to use their zoning laws and various other techniques to make it difficult for low- and moderate-income housing to exist in the community.

Statement of Panelist Cliff Osborne

Admission, employment, and programs for the University of Wyoming are offered to all eligible people without regard to race, color, national origin, sex, religion, or political belief. Race, sex, religious creed, or political belief are not factors in determination of admission to the university or in determination of eligibility of students for any of the university's academic programs, recognized or sponsored activities, employment, housing, or other benefits.

With these kinds of statements, derived from publications of the university as a backup, I'd like to review for you some of the housing services for university students, staff, and faculty and give you an idea of policies and procedures that are effective in that area. Since the greater university policy clearly prohibits discriminatory activity, campus housing is accessible without regard to race, color, national origin, religion, or political belief. Off-campus, nonuniversity-owned housing may be advertised in a university housing office by any landlord without regard to race, creed, color, or political belief of that landlord provided he signs an affidavit furnished by my office and the housing office that he will comply with our stated nondiscrimination policy in letting housing accommodations to students, staff, or faculty. This is one manner by which the university housing office may be assisting in seeing to it that nondiscriminatory housing policies are adhered to and exist in the community of Laramie, outside the campus.

Now, in residence halls, qualified applicants must submit an application agreement and an advance payment in order to be considered for assignment to residence halls. "Qualified applicant" means a person officially accepted for admission to the university.

Information that could be prejudicial, such as race, color, religion, and so on, is not available to those people on my staff who are actually making the assignments. We collect no information on that application form to indicate race, color, or religion. Assignment is based on the date priority, on in-State or out-of-State residents, and now on size of family also. We will not accept *ad hoc* preferences that are written in, such as "Please do or do not assign me as an applicant with any black, Chicano, Indian, Mormon."

To avoid pitfalls in terms of inadvertent discrimination towards people for on-campus housing, we have instituted special provisions. It has been a fact of life for those people who are recruiting minority students that often the recruitment occurs late on towards the beginning of a semester. So long as we can understand what the needs are, we will reserve housing space for assignment at a later date based upon the request of the recruiters.

We find often that minority students must arrive on campus at the university in Laramie before they are able to receive financial aid packages. By special provision, we have made arrangements, where necessary, to defer payments of deposits or advance payments for residence hall space until the student receives his student financial aid package. By

representing policies and procedures that are strictly rigid, that are unyielding, I believe that we can enter into inadvertent or undesigned discriminatory practices.

The university does provide now, through funding by the associated students of the university, a students attorney program. The student attorney is available to assist students in off-campus housing with legal advice regarding alleged discriminatory practices and, in turn, the housing office listing service can be withdrawn if discriminatory practices are reported and verified to the housing office.

Statement of Panelist James Reynolds

When I went to the [Colorado civil rights] commission as director in the early 1960s, I was concerned with fair employment practices. But in the process of attempting to resolve the problems of fair employment, I found that fair employment was directly related to fair housing and that, if a person was not able to move into a neighborhood where the job was located, then their ability to hold a job was diminished greatly. In most of our cities, including Denver, Colorado Springs, and no doubt Cheyenne, businesses have increasingly moved to the outskirts, and public transportation has, in all cases, been inadequate, so that when large companies moved 10, 20 miles out of the city, people who were constrained and confined to the ghettos and the barrios found themselves unable to get jobs with these companies because they couldn't get to them. And, when they did get a job with one of these companies, their inability to get there regularly and on time inevitably led to their being discharged.

So, whether I wanted to or not, I found myself having to deal with fair housing on a more forceful basis than I had intended to. I would have given fair housing a much lower priority than fair employment practices, but I found that the two were so related that I couldn't do one and ignore the other.

It has been very difficult because there are a lot of people who philosophically talk about fair housing, as long as it's in somebody else's neighborhood. But when you talk about having fair housing in their neighborhood, they are very reticent. So, with a great deal of trouble we did strengthen our fair housing law to where it became one of the better laws in the country. One of the major features of it was, when a complaint of discrimination in housing was filed, we could enjoin the owner from renting, selling, or otherwise disposing of the property until a determination had been made as to whether or not discrimination had, in fact, occurred. And with that feature of the law, we began to open up housing, making it more accessible to everyone in Colorado. It has been very successful.

Right now we are doing a study of the relationship of our fair housing law to where people live and go to school, and it has been quite interesting that, in those neighborhoods where previously black and Chicano kids were bused, they have now moved to be near the better schools. It was well established that the schools in the barrios and the ghettos were inferior. They had the teachers who were less well prepared. When you take a look at fair housing, you are not only talking about where a person can live but also whether or not the Constitution is obeyed.

Where you go to school plays a major factor in what kind of job you can get because, when you go to school nobody knows whether or not you took advantage of what was offered, but there is one thing we do know—that getting a job is determined to a large extent by who knows you. And when you go to a ghetto school or a barrio school, the only people you meet are people in the situation similar to your own. But when you go to a school where access to it is available to everyone, you meet people who are successful, you meet the people who get to be the heads of firms and agencies, and the people who control the hiring and the firing in our economic life. And the very fact of your having gone there enhances your ability to get a job.

If you want to avoid ghettos and barrios, which deteriorate very rapidly and create a number of social problems within any city, fair and open housing is a must.

Statement of Panelist Al Duran

Our efforts toward equal opportunity for our people in our community extend above and beyond the letter of the law, and that's the policy that the agency [Community Action of Laramie County] that I work for has established.

We do that in several ways. One is when we enter into agreements with delegate corporations to provide services to the poor of the community of Laramie County, we make sure that civil rights language is included. We also monitor and review the businesses with which we do work, and if we find that those businesses are not promoters of equal opportunity, that is sufficient ground for us to take our business elsewhere.

Our agency's employees should and do reflect the ethnic mix of the low-income communities since that's who we're assigned to serve. We attempt to become involved with other affirmative action groups or committees. They extend anywhere from the Federal Government to local government, to State government, to private employers, and we participate quite actively either with their equal employment opportunity committees or review and comment on their affirmative action plans.

We have a Comprehensive Employment Training Act [CETA] program that assists the unemployed and we concentrate on the hard core, economically disadvantaged unemployed. Many of those we service through the CETA program are classified as racial and ethnic minority groups.

On many occasions our agency receives complaints that deal with discrimination or concern of discrimination. It's been in housing, employment, whatever. Our agency can only serve as a referral source since we lack any authority to really do any form of investigation or make any judgment in any respect. So we utilize what's available to us. Most often its the Legal Services Corporation that exists in this community and the [Wyoming] fair employment practices commission. We're not excited about HUD because we've had a lot of grievances filed with HUD and we've never gotten any response.

A number of years ago racial violence erupted in Central High School here in Cheyenne, and the school district asked us to intervene to try and settle that disturbance. We put together a couple of groups including a parents' group aimed at trying to get at the very core of what was happening in Central High School. The other group was a parent-teacher and student group. These groups were fairly active for about a year and a half, and it helped settle the tensions that existed there. But these tensions still exist. They're not only in the schools. They are in Cheyenne as a whole, and only time will be the factor for another eruption.

The housing patterns in Cheyenne that are being developed are going to force ghetto developments. We've allowed the west end of town to be rezoned as commercial, and we've allowed housing developments to occur in flood plains. There's no real plan for Cheyenne growth to be implemented and evaluated in this community.

Employment is another area. We see where there's a major thrust for vocational blue-collar labor. That traditionally is the way you got these "spics" and "niggers" out into other areas, other than white-collar jobs and the decisionmaking process. The Federal Government is now moving away from training programs to make jobs to lower the unemployment rate. The majority of this country believes there is reverse discrimination. It does not exist. The reason I point out the misunderstanding of affirmative action is everybody says affirmative action means quotas. If you ever read the affirmative action regulation developed not under the Civil Rights Act but the Procurement Act of the Department of Labor, you find out that it never talked about quotas; you find that it talked about goals. And there's a big difference. Even with affirmative action, the goals are far from being realized with the exception of a few sincere organizations. The fact is that there are no real representatives from the ranks of the poor in public office, and that there's no concentrated effort to educate the poor in the decisionmaking processes of how this community ought to function in terms of governments: the city and the county, the State, and the Nation. There are three basic areas in which improvements are imperative: the first is informing the public, the second is mechanisms for enforcing existing legislation, and the third is fair housing.

The State of Wyoming must take immediate steps to ensure that the public is regularly informed of the rights of equal opportunity guaranteed them by Wyoming law. Ignorance may be no excuse, but State promotion of ignorance, through acts of omission, is far less tolerable.

I think that the State of Wyoming also must act promptly to establish the mechanisms necessary to enforce civil rights. Money must be made available to inform the public of the rights guaranteed them by Wyoming law. The attorney general's office should hire a full-time civil rights expert. The State should develop affirmative action plans which go beyond equal opportunity and employment and extend to fair practices involving all State and public services in Wyoming. Health care delivery and educational services in Wyoming should have guidelines for assuring that there is equal access. The State should create a State civil rights commission with the power to review cases of institutionalized violation of civil rights. It would have the power to make a judgment and also carry the power to enforce that judgment. This commission would be authorized to review all such cases which fall under Wyoming law regarding civil rights.

I wholeheartedly agree with the sentiment that Wyoming promptly enact a fair housing law. We all know what the crippling effects of indecent housing are.

The thrust of the Community Action Agency of Laramie County will be to continue to promote the need for social, physical, and economic planning. This planning must be a total community responsibility.

Statement of Panelist Ray Quintana

"Ser" is a Spanish verb that means "to be." It is also used as an acronym for "service, employment, and redevelopment." SER-Jobs for Progress is a nonprofit, national organization cosponsored by two of the largest national Spanish-speaking organizations, the League of United Latin American Citizens [LULAC] and the American GI Forum.

SER's dedicated to improving the economic status of unemployed and underemployed Mexican Americans and other minorities by providing motivation, direct job placement, and training for meaningful employment. Language barriers, poverty, prejudice, and lack of educational opportunity have conspired, historically, to limit the entry of minorities into the free enterprise system. SER offers hope to this segment of forgotten Americans.

We are a minority organization; we deal with the hard core disadvantaged. The majority of our clients are high school dropouts for whom the traditional educational system has failed. The type of support we get from government institutions is in the nature of job openings which require that one has a master's degree or baccalaureate degree.

It is knowledge of policies, procedures, [and] State government that afford community-based organizations the opportunity to help members of our community. One of the programs funded to SER-Jobs for Progress is a Wyoming "highway supportive services" program. We are trying to place minorities into the highway construction industry. It has been a very difficult task based on a number of variables at play in this particular industry.

One of the problems that we have is getting the employers to truly cooperate with us for the fact that their bidding process is a very complicated one. They have to identify when they're going to start the job, how many people are going to be working on the job, how much it's going to cost. Yet, even though the law states that if a project is funded by the Federal Government they will include minorities in their training program, they cannot identify their employment needs as it relates to minorities.

We get a phone call one day and they say, "We need truck driver trainees." We ask them, "When do you need them?" The answer is, "We need them today." What does that do? That does not allow us the opportunity needed to successfully screen and identify those minorities who would be most suited and interested in this type of employment.

I was in contact with a local contractor within the last couple days. We were there for the purpose of developing employment opportunities for minorities. He had stated to us that he had called our organization and had asked for laborers and truck drivers, and that this was reflected in his EEO report. Well, I went back and checked the telephone logs; he did not call our organization. But the interesting fact is that, in his EEO report, he had made reference to reporting and working with a community-based organization that deals in the area of providing training opportunities for minorities.

After the formal presentations by Messrs. Quintana, Duran, Reynolds, Osborne, and Frant, questions were solicited from the audience and panelists. Mr. Frant, in response to a question, talked about how to guarantee fair housing in a State such as Wyoming that has no fair housing law.

MR. FRANT. A grass roots fair housing organization, whether it be funded through a Federal grant, State grant, the Ford Foundation, or another organization of that kind, is almost indispensible in the achieving equal opportunity in housing. Some organization is essential for the State of Wyoming in terms of the fair housing laws. There needs to be an active effort pursued now for the State of Wyoming to achieve a statute. Presently, there is no compliance review conducted in the State of Wyoming by HUD of a funded program. Rock Springs is probably going to be the first target during fiscal year 1978. HUD is moving to conduct compliance reviews of all major funded programs in this State starting with fiscal 1978. The city of Cheyenne was involved in a Title VI dispute that went further in terms of going up through the courts, in terms of enforcement, than any other Title VI enforcement action that HUD has ever been involved in on a nationwide basis. The courts ruled against the Department's position that discrimination had taken place. That did not have the effect at HUD of ending our concern in that area. It was a

decision we thought we should have gone our way. The Title VI program is viable.

MR. REYNOLDS. HUD is not geared up to review the programs they fund, or at least they have not up to this point. Ms. Patricia Harris, who is the HUD Secretary, has indicated that she wants to move in that direction, but, up to this point, HUD puts out the money and it's up to the citizens of the local community to see that the money goes where it should.

The Government has, in part, washed its hands of that responsibility by instituting what they call an A–95 review, and they place the responsibility on the local civil rights commissions to review what goes on. The difficulty, though, is that HUD, up to this point, has refused to give money to the local civil rights commissions so they can hire people to do the reviewing.

Now, unless the local State or city is willing to supply money for that purpose, the A–95 review is rather hollow, and HUD has said they will not provide money to a local community where the local civil rights commission has indicated that the money is not going to the proper place.

Up until recently, in Colorado, we pretty well ignored the A–95 review except in gross cases of misuse, but now we are attempting to monitor those funds, block grants and the rest of it, and we are finding some very interesting things. For example, in Greeley we found that the community was using block grant money to build a sewer line, but they built it around the neighborhood where Chicanos lived. In Grand Junction they put in a cable television and they ran it around the neighborhood where Chicanos lived so they couldn't tap into it. We found in Littleton that the money that should have gone to the low- and moderate-income areas was being used to improve the sewers and the streets in the wealthy neighborhoods.

We have asked HUD to withhold the money from them. We got some badmouth from the HUD office about the whole thing, but they did delay funding the project to give us a chance to gather more information. The local community has to muster the forces to see that the city fathers spend the money where they should.

MR. DURAN. In terms of the entire civil rights movement what bothers me is that the Feds say it's your local responsibility, and State bureaucrats always say that, and county officials will say that, and everybody says it's your local responsibility. The sad fact is that the only reason we've got some laws that make sense now is that somebody who had that local responsibility and accountability got fed up with the system and decided that it was enough and went to court.

Mr. Duran's comment ended the panel discussion on housing and its impact on economic development. Several recommendations that came out of that session are reiterated here. First, a dire need exists for the immediate creation of an effective fair housing law to ensure that discrimination ceases to exist. Presently, Wyoming is one of a handful of States which has no fair housing statute. Second, Mr. Frant admitted and Mr. Reynolds amplified the point that HUD has done little to promote fair housing in the State. Not only is there a need at the State and local levels for fair housing enforcement, the same need also exists at the Federal level. Third, the participants all agreed that there ought to be a commitment from the people of Wyoming to ensure fair housing. As Mr. Duran pointed out, this commitment must not only come in the form of laws but also in the appropriation of money and staff to enforce these statutes.

Chapter 3

Medical Care

Advisory Committee Member Leona St. Clair from Ft. Washakie moderated the discussion on the delivery of health care to minorities and women in Wyoming and on the Wind River Indian Reservation. Panel participants included Roger Nelson from the Wyoming Department of Health and Social Services; Mary Cassidy from the Wyoming Public Health Division; Janet Lane from the Wyoming Division of Public Assistance and Social Services; and Herb Naugle from the U.S. Department of Health, Education, and Welfare's [HEW] Indian Health Service at Ft. Washakie.

Statement of Panelist Roger Nelson

The [Wyoming] Department of Health and Social Services consists of three divisions. The department was created in 1969 out of two former departments and one section of another department. The old welfare department became the division of public assistance and social services; the health department became the division of health and medical services; and vocation rehabilitation [DVR] was taken out of the department of education and brought into the department of health and social services.

Our agency is concerned with [U.S. Department of] Health, Education, and Welfare-type programs, human services, including health care. Other human services, not included in the department, are mainly centered in institutions under the board of charities and reforms.

The DVR is the smallest of our divisions, and it's primarily charged with vocational rehabilitation of handicapped persons who can become employable. The division of health and medical services is charged with the delivery of public health services to all citizens of Wyoming, and our division of public assistance and social services deals with income maintenance and social services delivery to the people of the State.

Internally, my job is concerned with affirmative action and equal employment opportunities with the department of health and social services employees. We have entered into our third year of affirmative action in attempting to assure that all employees receive equal employment opportunity and upward mobility within the department.

The affirmative action plan is intended to be much more simple so that all people of the State and all department employees may understand it and that we may bring more minorities and women into our organization. The plan will also be action oriented, in that the results will be our main concern.

Statement of Panelist Mary Cassidy

Our program is called "public health nursing" or "community health nursing." We have what we call a "generalized" nursing program. We see patients from cradle to grave. Many of the programs are geared to low-income people; we reach minority groups. One of the big services is called "maternal and child health." This started with the advent of the social services in 1935. I think we should call it "family health," so that the father is not omitted. We try to include the fathers in our counseling and teaching of health care.

Some physicians are reluctant to take patients who participate in medicaid under Title XIX of the Social Security Act, so getting pregnant women in marginal groups and low-income groups to health care is one of our problems. One of our big activities in "maternal and child health" is parent classes. The nurses make an effort to reach all groups, and they go to different neighborhoods to put on these classes. Children's health services provide care to chronically ill children whose parents are financially unable to

do so. This would include such things as congenital malformations to heart defects, cleft palate, and cerebral palsy.

We have individual contracts with physicians, and patients are seen in the offices. We also have itinerant clinics in several parts of the State where the medical specialities aren't represented, and we bring a team in of psychologist, a pediatrician, an orthopedist, social workers and nurses, and a speech therapist, to evaluate the children. We also provide immunizations.

In all the counties that have public health nurses except one, we have regularly scheduled immunization clinics, and they're well received and are quite large. Many of our nurses have what we call "well-child nursing conferences," and the emphasis is on promoting health and normal growth and development. This is aimed at the low-income groups who are not under regular health care but only see the physicians when they are sick.

We have a genetic clinic open to all citizens of the State. This is carried out in cooperation with the University of Colorado. A geneticist and staff come to several areas of the State. They will see anyone who has a concern about a genetic or a congenital defect or inheritance, and our nurses work closely with them. They take pedigrees to get the family history of any disease or disability. We also have a representative on the child abuse team.

We have a dental health program where poor children have their mouth rehabilitated if they have cavities or need extractions. The nurses work closely to find the children and to refer them to the dental health program.

In Cheyenne, there is a Federal project called the Children and Youth Project, and there's comprehensive health care given to low-income groups. We have outreach workers from this program who go into the homes to interpret the program. We have two family planning projects which also are geared to low income. One is in Goshen County and the other one is in Cheyenne.

We have another big program called "home health service." This primarily is care of the sick in the home and it's mostly made up of medicare patients. The nurses and home health aides go into the home and help keep some of these people out of nursing homes. We also see people who aren't eligible for medical care and we have a charge, but if the family is not able to pay we still provide the care.

In contagious disease, we follow up tuberculosis patients, do an epidemiological investigation of such diseases as hepatitis, and try to get contacts in for prevention. We have a rheumatic fever program which provides penicillin to those that the doctor recommends for prevention and prophylaxis against further attacks; and, of course, one of the big contagious disease programs is venereal disease. Our nurses do contact followup to get patients to care.

In summary, our problem is growth. We are limited to the number of nurses we can have by the legislature. There are four counties now without nurses: Converse, Johnson, Niobrara, and Crook. Johnson County commissioners have provided funds for a nursing program.

I've asked for four nurses in our budget to cover the uncovered counties and eight additional nurses. Eight counties have put out money for additional nurses but we can't supply them until the legislature makes those positions available to us.

Another concern I have about civil rights is in the profession of nursing. I'm glad to see in our journals attempts are being made to reach girls who represent minority backgrounds. As far as health care is concerned, I think our most urgent cry is in relationship to pregnant women and the marginal groups, because, if they make $5 over what makes them eligible for Title XIX medical assistance service, we find a good many who can't pay their bills. They're embarrassed to go back to the physicians so they go without care.

Statement of Panelist Janet Lane

We're involved in the wide scope of human services and income maintenance payments. Our department [Wyoming Division of Public Assistance and Social Services] is the welfare department. Our agency discriminates against middle class or higher income families or individuals. We exist to serve people who are of low-income status, whether it be in the income maintenance or whether it be in human service categories. We try to assure that people's civil rights are met in several ways. We always apprise an individual, who come in to see us, of their right to a fair hearing. They may be totally right or they may be incorrect, but that's not the issue; we have available a fair hearing process for those people.

In purchasing human services, a part of our contract is a statement that that provider may not discriminate against any individual on the basis of sex, creed, nationality, etc. If a provider is unwilling

to sign a contract that includes that, we do not purchase services from them.

There's a fairly new program in Wyoming and nationwide called Title XX of the Social Security Act. That's a range of 20 human services. We apprise citizens of services that are available to them under Title XX.

We have tried very hard in the past 3 years to involve citizens in determining what services will be available. We've held numerous public hearings around the State. We've placed advertisements in newspapers in every county in the State at least once or twice a year. We feel that it is a right of the individuals in this State to have something to say about how we're going to meet their needs. We found it very difficult to gain public involvement. Therefore, I'm sure that some rights, some needs, of citizens in this State are being discriminated against. We are hoping to reach more people than we have. We find public involvement very important.

One of the services that we have available under Title XX is one called "advocacy," which is a service by which we want the people in this State to know that if they feel their rights are being discriminated against by any entity we would like to serve as their advocate. Very seldom does someone come to us specifically and say my rights are being violated.

We found in our State that family planning was not being made available to people who were of very low income unless they happened to be receiving public assistance—AFDC [Aid to Families of Dependent Children] or programs for the aged, blind, or disabled. Therefore, our agency purchases medical services in the area of family planning for low-income people.

This State has opted not to include marginal persons under our medicaid Title XIX program. Our regulations allow us to be involved in that one medical service, and so we're doing that because we feel that those are services that are not available which should be available to low-income people.

Statement of Panelist Herb Naugle

The Indian Civil Rights Act was signed by President Johnson on April 11, 1968, and became Public Law 90-284. This law guarantees to individual Indians fundamental rights and liberties under constituted tribal authority comparable to those civil rights in the Federal Bill of Rights.

President Johnson also signed Executive Order 11399 on March 6, 1968, establishing the National Council on Indian Opportunity. The Council primarily functions to coordinate and encourage full use of Federal programs that benefit Indian populations.

Recent major Federal legislation that reaffirms the Federal Government's special commitment and trust responsibility to Indian people is in part reflected by Public Law 93-638, the Indian Self-Determination and Education Assistance Act. The purpose of the act is to provide for maximum input from Indians concerning their educational development, human resource development, and self-government. Public Law 94-437, the Indian Health Care Improvement Act, further implements Federal responsibility to provide health services that maintain and improve the health of Indian people.

The two Federal agencies specifically created to provide a variety of services to Indians are the Bureau of Indian Affairs and the Indian Health Service. Until 1955, the Indian Health Service organizationally was part of the [U.S.] Department of Interior, within the Bureau of Indian Affairs. The Indian Health Service, now a component of the [U.S.] Department of Health, Education, and Welfare, exists to provide quality health care services to federally-recognized tribes and to individual Indians.

The Indian Health Service on the Wind River Reservation in Wyoming, for example, has two outpatient clinics—one at Fort Washakie and one at Arapahoe. We do not have an Indian hospital, such as exists on certain reservations, e.g., the Crow and Blackfeet Reservations in Montana. Inpatient care at Wind River is provided through the purchase of contractual services from the local hospitals in Riverton and Lander, from inpatient [U.S.] Public Health Service facilities, or from other hospitals and facilities that offer the medical care required.

At Wind River, we're fortunate in that the two adjacent communities of Riverton and Lander have many physicians specializing in various areas of medicine, and, at last count, we had approximately 27 different areas of specialization or physicians representing specialties. As part of the outpatient care services we provide at our two health care clinics, we are able to purchase services of these physicians for specialty clinics such as ENT [Ear, Nose, and Throat], GYN-OB [Gynecology-Obstetrics], orthopedic clinic, well-child, to mention a few.

In addition to the delivery of specific medical services, the Indian Health [Service] also has other branches identified as "health education," which engages primarily in preventive education efforts. We

have a field nursing branch which provides field health care on an outreach basis to individuals that are homebound and helps arrange patient transportation to the clinics as needed for health care or medical examinations. We also have a dental branch where dental care is provided to all eligible recipients.

In addition, we have a medical social services branch which I'm in charge of; it provides the customary range of social services but within the medical context. We also have a mental health program which is based on a contractual relationship with the local counseling service clinics. It includes a crisis intervention program, and mental health services are available through that crisis intervention program on a 24-hour basis. We also have a family planning and maternal health care branch.

In December 1975, the Indian Health Service formally recognized the need for consumers of health care services to be able to initiate a grievance or a complaint if they were not satisfied with the care provided. To that end, a patient's bill of rights was developed:

1. The Indian patient has the right to considerate and respectable care, including a sensitivity on the part of the provider to Indian culture and heritage in the delivery of that service.

2. The patient has a right to know the nature of his or her medical condition or problem.

3. His or her physician must provide all of the information needed for the patient to make an informed decision whether or not he agrees with the medical procedure and treatment recommended. This information should include at least an explanation and understanding of the procedure, as well as an explanation of how long it may incapacitate the patient.

4. The patient has the right to know what other choices he may have for different types of health care and treatment. In emergency situations, the amount of time available for the physician to go through this procedure is necessarily limited.

5. In light of the right of self-determination, the patient has the right to refuse treatment to the extent permitted by law, but, if the patient then refuses treatment, he must be informed of the risk he or she is taking in so doing.

6. The patient has the right to privacy and dignity concerning his or her illness.

7. The patient has the right to expect that all records and other information shall be kept confidential.

8. The patient has the right to the following services when he or she requests care: evaluation concerning diagnosis and general health conditions; the right to service, treatment, or procedures; and the right to a referral.

9. The patient has the right to expect that a referring physician or other appropriate designated person will secure up-to-date reports of his or her care and progress. When it's deemed medically necessary to transfer a patient to another facility, transfer must first of all be medically indicated. The patient must, prior to that transfer, give his or her consent, and again the patient has the right to know what alternatives are available.

10. The patient has the right to expect reasonable continuity of care.

11. The patient has the right to know which hospital rules and regulations apply to his or her conduct, and the patient has a right to initiate complaints concerning their health care.

The Joint Business Council of the Wind River Reservation has formulated a specific grievance procedure that any person may take advantage of. The service unit director is charged with the responsibility of investigating a complaint within 72 hours of its receipt. He must provide a reply in writing to the complainant as to the status of the complaint within 7 working days. If the complainant is not satisfied with the response, he or she may appeal it to an *ad hoc* committee of the Joint Business Council, and that committee is the Joint Tribal Health Committee. The Tribal Health Committee follows similar procedure, conducts investigations, and makes a response to the complainant. The complainant has a right to appeal from that body to the Office of Area Director, Indian Health Service, located in Billings, Montana, which services both Montana and Wyoming. The area director may then arrange for an independent authority to investigate the complainant's allegations.

The provisions of the patient's bill of rights were presented in some detail because it's a relatively recent development which provides for increasing participation and involvement of the tribal governing authorities not only at Wind River but on all other reservations.

After Mr. Naugle concluded his presentation, the panel on medical care accepted questions from the audience and the participants. Mr. Quintana, who had spoken previously, asked the first question.

MR. QUINTANA. Are there any minorities in management or policy changing roles at [the] Wyoming Public Health [Division]?

MS. CASSIDY. Not in the nursing division, and not in rule changing roles. We are an equal opportunity employer, but most of our applicants are not from minorities. In home health aides, we do have some with Spanish American surnames.

MR. QUINTANA. Does your agency utilize the services such as SER-Jobs for Progress and other community based organizations in seeking out qualified minorities to participate in your programs in the higher echelons of employment?

MR. NELSON. We have to go through personnel as a merit agency. We have to accept the top seven names from a list of eligibles on the register. In addition, they send job announcements, such as when we have jobs opening in nursing and any other position in the department, to minority organizations. If you're not getting them, please tell us and we will see that you get announcements because we certainly want to see that everyone is apprised of what jobs we have open and what the qualifications are and how to apply. And if they can't get it from the State personnel office, we'll be glad to do it from our end.

MR. DURAN. Am I accurate in assuming that the State first announces the positions inhouse and within State government before it's made public?

MR. NELSON. It depends on the position. There are some positions, such as clericals, which are open continuously to the public. Personnel will accept applications any time for those classes of positions. There are some positions which they will only announce on a job-by-job basis. The job has to come open before it will be announced. It's up to the agency, then, to determine whether they would like to announce that internally first or go to all State employees or announce it via a general vacancy announcement for which anybody can apply.

MR. LEVIS. Does each State department have an EEO plan?

MR. NELSON. I don't believe so, at the present time. All merit agencies either have or are developing an affirmative action plan, but there's only about six departments that are under merit. Now, other departments have developed them. The highway department has them, but I can't really say that I know that every department is required to have them. There is a statewide affirmative action plan being developed right now. One of the things will be to make sure that any agency that doesn't have one will have one very soon. There has never been in the past a statewide affirmative action plan. It's been more of an agency-by-agency sort of setup as Federal requirements dictate usually. We had a State EEO coordinator appointed for the State, Danny Romero. It's been a process of getting the money to develop a plan through the Intergovernmental Personnel Act.

MR. LEVIS. Is there cooperation between Indian Health Service and Wyoming Public Health?

MS. CASSIDY. Yes. In Fremont County, the Indian Health Service field nurses provide services to non-Indians residing within the exterior boundaries of the reservation. Similarly, Indians who live off the reservation receive services from the [Wyoming] public health nurses.

MR. NAUGLE. Health care on an emergency basis is available to the extent that the services and resources permit, not only at our outpatient clinic but at the local hospitals situated in Riverton and Lander and in other immediate communities. Obviously, an emergency, either accidental or illness or an attempt at self-destruction receives immediate medical care. The point of intervention is the closest appropriate health care facility. Our clinic hours are from 8 to 5, but we do have designated doctors on call every day of the week, holidays included, so that any time there is a medical need, that person can call a number to make contact with a physician. At that point the physician determines whether to see the person at the clinic or, if it is an obvious emergency, a medical referral with ambulance service is made to the nearest hospital.

Several major concerns were aired during the panel discussion on health care. The first, discussed more fully by the panels on employment, is the need for effective affirmative action in the hiring and promotion of women and minorities within the State government. Second was the need for public health centers in the four counties where they are not presently available. The third concern was the narrow definition that Wyoming gives as a guide to qualify for medicaid services in the State. The income level allowed to qualify eliminates many marginal income people, who

are disproportionately minority and female, from participating.

Chapter 4

Education

The next panel, chaired by Advisory Committee Member Harold Meier of Casper, delved into the issue of education. Discussed were concerns of education on and off Indian reservations at the elementary and secondary levels, at the University of Wyoming, and in the recruitment of teachers. Panel participants were Dr. Gilbert Roman, director, Denver regional office, Office for Civil Rights (OCR), U.S. Department of Health, Education, and Welfare (HEW); Celeste Wadda, president of the Fort Washakie School Board; Dr. Don Lucero, principal of Cheyenne High School No. 3 and a member of the Wyoming Advisory Committee; Lyall Hartley, personnel director of the Wyoming Department of Education; Bill Hesson, chair of the human rights and responsibilities commission of the Wyoming Education Association (WEA); and Ray Burry, employment practices officer, University of Wyoming.

Statement of Panelist Gilbert Roman

Contrary to the general pattern of ethnic minorities in the history of the United States, we as Mexican Americans or Chicanos have retained a distinct identity and have not dissolved into the so-called great American melting pot, which doesn't really exist. And not having the good grace to disappear, many of us have then compounded our guilt in Americans' eyes by committing the additional sin of being glaringly poor in the midst of affluence and abundance.

Let me just simply clarify for you what a Mexican American is, Chicano. The late Ruben Salazar, a laborer from Los Angeles, once said, "A Chicano is a Mexican American with a non-Anglo image of himself." He resents being told Columbus discovered America, when the Chicanos' ancestors—the Mayans and the Aztecs—founded highly sophisticated civilizations centuries before Spain financed the Italian explorer's trip to the New World.

The Chicanos resent also Anglo pronouncements that Chicanos are culturally deprived or that the fact that they speak Spanish is a "problem." Chicanos will tell you that their culture predates that of the Pilgrims and that Spanish was spoken in America before English. So the problem is not theirs, but the Anglos who don't speak Spanish.

Having told you that, the Chicano will then contend that Anglos are "Spanish-oriented" at the expense of "Mexicans." They will complain that when the Governor dresses up as a Spanish nobleman for the Santa Barbara Fiesta in California he's insulting Mexican Americans. It's as if the Governor dressed like an English Redcoat for a Fourth of July parade, Chicanos say.

What, then, is a Chicano? Chicanos say that if you have to ask, you'll never understand, much less become a Chicano. It's not that simple.

The Office for Civil Rights was founded about 1965, after the 1964 Civil Rights Act. First located in the Office of Education, the first stage of the Civil Rights Office was mainly dedicated to putting out fires in the South, and segregation was the issue then. Segregation remains an issue, by the way, but at that time that was the focus of the civil rights program.

The Office for Civil Rights did not do a lot of other things, really, except concentrate on the black-South problem until about 1970, when all of a sudden civil rights people began to notice that there were a number of other problems also facing this country and that they should move into them, particularly in the North.

The shift began to move from the South to the North and at that time, about 1970, the "May 25th Memorandum" was issued which turned the tide around in terms of bilingual education and towards

other minorities in this country. That "May 25th Memorandum" said, in effect, that language should be taken into consideration in the schools, and if the language of a proportion of the students was different than the English being taught, then the schools were not providing equal education if teaching in the minority language is not being provided. That led to the 1973 Supreme Court decision called *Lau v. Nichols*, which affirmed the "May 25th Memorandum."

The Office for Civil Rights is charged with Title VI of the 1964 Civil Rights Act. We're charged with Executive Orders 11246 and 11375 which is contract compliance mostly in institutions of higher education. We're also charged with Title IX which deals with sex discrimination and with section 504 of the Rehabilitation Act in enforcement compliance for the handicapped.

We are an enforcement compliance agency, and we are responsible for six States in this region. OCR mainly focuses on the school districts in terms of segregation, in terms of bilingual education or lack of it, student discipline, etc. Incidentally, I firmly believe that many of the dropouts in our schools in this region are not necessarily dropouts but "push-outs" by the system itself. We're also dealing with the higher education systems and with affirmative action plans in higher education, and we deal with the programs that receive Federal funds, other than universities, as well.

Statement of Panelist Celeste Wadda

Fort Washakie is a small school compared to some in the State. We're a unique school. One of the reasons is we're 99 percent Indian. I don't believe that education—statewide, nationwide—meets the needs of the Indian person. One reason is because Indian people are new to formal education, very new.

The non-Indian has had formal education for hundreds of years. Our people have had it only for maybe 50 years. Fort Washakie School became a public school only about 15 years ago. Before then, we were a federally-funded school. I graduated from there, although the biggest percentage of Indian children went away to boarding schools. We didn't have much access to public schools because this wasn't the thing to do. You went away to where you were affiliated with Indian people, and I think there is where prejudice was born. You weren't able to take your culture with you, you weren't to speak the language. At Fort Washakie School in the past year, we've come a long ways as far as civil rights is concerned, especially as new as we are to education. We have a woman administrator, and we have had an Indian superintendent which we have never had before.

A lot of the old policies that were probably born with the school were revised, especially as far as long hair was concerned. We had a very staunch policy on that before, and it was real discriminating as far as I was concerned. It was that the boys must cut their hair above the ears and off the collar. The girls' hair was to be clean and neat and out of the eyes. We formed a parent committee and took this before the school board and said it was very discriminatory. It is an Indian custom to have long hair.

Fort Washakie School has 364 students and we have really come a long way in just one year by changing outdated regulations.

Statement of Panelist Don Lucero

In Cheyenne, the dropout rate for Chicano students is about 80 percent. This doesn't account for the student that gets his diploma. We graduate lots of students, whether minority or nonminority, who aren't really being prepared for adulthood. We're not really doing a job in preparing them for the daily world of living. The dropout figures in the Southwest are approximate to ours, anywhere between 40 and 80 percent. That is a serious concern.

I've been in education for 20 years, and I'm always concerned with how we can provide better services for students, for minorities, for Chicano students. We, as a society, are to blame for the failure of education and especially for the failure of Chicano students.

If I had to prioritize them, I would say the main problem is the inability of schools to conform to the changing times. Another reason for failure, or causes for failure, is meaningless curriculum. I also think one problem is our insensitive teachers. Teachers are not sensitive, aware, or knowledgeable that people are different. A lot of teachers and a lot of people equate being different to being un-American. If in order to be a good American you must speak English, just imagine what that does to my self-concept that I've been speaking Spanish or that my grandmother speaks Spanish, and all of a sudden I am kind of told it's un-American to speak that way.

Another major problem is that teachers are not being trained to cope and to address the problems that we now have. Most youngsters have a very

positive concept of self when they first go to school, and little by little that seed of negativism is planted. First, you have a teacher who may be pronouncing your name differently. Then you get into history and you talk about the dominant culture. It's easy to understand why students just have one thought in their mind: "I can't wait until I'm 16 so that I can drop out of school."

Certainly socioeconomics is a factor in student failure. There's a high correlation between economics and success in school. Home environment has to be a factor. I'm talking about reasons that are applicable to all students. Personal problems, boyfriends-girlfriend problems, language barrier can be a factor, a cultural barrier. All of these are reasons why students are failing. What we as educators have to do is look at these and hopefully make an effort to deal with the causes rather than just focus all our efforts on the symptoms.

High School [No.] 3, which I am principal of, is an alternative program started last year in Cheyenne, set up for the dropout or the potential dropout. We had an enrollment of 90 students last year and 174 students were admitted for the fall term. We don't have 170 students enrolled right now, since the term is just about over. We have prospective dropouts, we have dropouts, and we have students who have a poor self-image. I don't like to use the words "who have failed in school." I'd rather say the schools have failed these students. Their needs were not being met. We have 170 students whose needs were not being met before coming to our school. High School [No.] 3 has 170 students and 22 staff. We have a small class size and a lot of individualized instruction. We do away with a lot of unnecessary rules and provide an atmosphere where the student feels comfortable. Our total approach is toward humanizing our involvement with students.

I understand that if you have a high school that has 1,900, 2,000, or 3,000 students it is very difficult. It's an advantage to have a small class enrollment like we have, which means that we can do all the different kinds of things that I'm talking about, and I think that's the key with students.

We have to serve many roles in High School [No.] 3: a friend, a counselor, a teacher. There's a lot of interaction with students. Students are not pressured into getting assignments done. We have very little homework. It's all done right in class, and I think that's a key. Students are encouraged to go at their own pace. We don't use letter grades and I think that could also be a factor. We try to let students get involved in the decisionmaking process at High School [No.] 3. We haven't had a lot of success with that yet. Parental involvement is extremely important too and we've had very good success with getting parental involvement.

Our ethnic breakdown at High School [No.] 3 right now is about 48 percent minority, and most of those students are Chicanos. Our staff is 30 percent minority—22 members. When we talk about building curriculum, I also think that part of that curriculum—which is extremely vital—is also having role models. It helps to have a diversified teaching staff because we have a diversified student population.

We offer Chicano Studies. We have a Chicano Studies I class, a Chicano Studies II class, and a Folklorico dance class. We're trying to get these students to feel good about being in school. I can honestly say that in a lot of our students I've seen a change in their attitude 180 degrees.

But the other students we haven't reached yet. Realistically there's a lot of these students who come in with a tremendous burden and it's going to be extremely difficult to reach students. The last thing on their mind is "How many credits do I need to graduate?" or "I have to write this essay for this particular class" when they've got all these different problems. But they now have someone they can talk to.

Although High School [No.] 3 is a new program, I am extremely pleased with the progress that has been made.

Statement of Panelist Lyall Hartley

The Wyoming Department of Education functions primarily to provide education, service, and leadership. Contrary to popular opinion, we are not an enforcement agency, even though there are areas of enforcement because of State statute that we have to provide.

We see ourselves primarily in the role of educational leadership and service. Because of local autonomy, school districts look jaundiced at any agency that comes in spewing service but providing enforcement at the same time. We've opted primarily for service and educational leadership as opposed to enforcement, except in those areas where by State statute or Federal mandate we've had to be enforcement-oriented: needs assessment, yearly census, determining classroom units.

With regard specifically to Title IX which prohibits sex discrimination, the State department of education is not enforcement-oriented. There are no monies attached to Title IX, with regard to State funding. Whatever monies have been allocated have come through special grants or awards. The [HEW] Office for Civil Rights out of Denver is primarily responsible for enforcement of Title IX. Title IX means that each school district within Wyoming has to have appointed a contact person responsible for disseminating Title IX information across the district and for providing technical assistance wherever that's required within the district. They're to provide a grievance procedure or process, not only for their employees but also for students. Many school districts had it for employees but did not have a grievance procedure for students, and we've encouraged them to split those grievance procedures up because some of those processes are not adequate for students. At least once a year, through local newspapers, school districts are also supposed to notify the public that they are not discriminating based on sex. Lastly, the school districts are not only supposed to provide remedial, and in some instances affirmative, action but supply to the Federal Government statements of assurances.

We've had some problems with Title IX across the State. We've been hard pressed to provide interpretation to some of the school districts which are raising questions about implementation. Because of these problems, we are having to consistently request interpretive information from HEW in Washington which is just now beginning to trickle down, and we thank God for that.

Statement of Panelist Ray Burry

As a recipient of Federal funds and one of the largest employers in Wyoming, the University of Wyoming is subject to a number of Federal laws and regulations. They include the Equal Pay Act of 1963, as amended, which guarantees that employees will receive equitable salaries for doing the same kinds of work, regardless of sex; and Title VI of the Civil Rights Act of 1964 which provides that no person shall on the grounds of race, color, or national origin be subject to discrimination under any program or activity receiving Federal financial assistance. As a major university and recipient of Federal funding, our educational programs and activities are administered in this manner.

We are also covered by Title VII of the Civil Rights Act of 1964 which is probably the most commonly known statute and provides that an employer will not discriminate in employment because of race, color, religion, sex, or national origin; Executive Orders 11246 and 11375 which not only restate the principle of nondiscrimination but also provide for affirmative action and the development of a written affirmative action program; the Age Discrimination Act of 1975 which protects those between the ages of 40 and 65; the Rehabilitation Act of 1973 and implementing regulations which provide for nondiscrimination and affirmative action as it relates to the handicapped; and the Vietnam Era Readjustment Act of 1974 which addresses the employment difficulties of Vietnam era war veterans.

I believe that all that the legislation is really talking about is fair treatment. Each individual has the right to compete equally for jobs, the right to be treated fairly in all aspects of employment including salary and advancement, the right to educational opportunity, and equitable treatment in the receiving of benefits and financial assistance.

The question becomes one of how to implement these programs. In a large university I believe an effective affirmative action program based upon accurate data helps provide an answer. It is also essential that the university community be aware and actively interested in the regulations and the concepts which they embody. It implies that traditional operational methods utilized over several years may need to be changed. This is a difficult problem because the changing of attitudes is very difficult, and I believe the only way to achieve this objective is to involve as many responsible people in the process as possible. In other words, those charged with making selections in terms of employees or administering programs must have an active role in the development and implementation of an affirmative action program.

This is difficult to achieve at a large university because of the diverse number of occupations of varying complexity and content. Nonetheless, the laws apply to everyone, and if an affirmative action program is effectively organized and if the members of the university community realize their stake in the program, it is possible to make reasonable gains. This is our objective at the University of Wyoming.

Statement of Panelist Bill Hesson

The Wyoming Education Association [WEA] is made up of all of the members or affiliates throughout the State. Each district or each community has human rights and responsibilities committees designed for problems that develop among teachers, students, and anyone in that educational area. If the problem is not resolved there, then they come to the committee I chair, which is the human rights and responsibilities [HR and R] commission for the Wyoming Education Association. Primarily, we are advocates for teacher's rights. We do deal with students—we are concerned about student rights—but basically it is a teacher organization.

Each time I've attended a national convention for human rights and responsibilities, I am usually the token person from Wyoming. Time and time again I hear, well, in Wyoming you have no problems. I agree with them somewhat. We really do not have many problems. But we do have some, and I think at times it begins to get worse. The purpose of the HR and R commission is to work with administrators and teachers and students to see that those problems do not develop to the degree that they have developed in more populous areas. I did agree that we do not have too many problems.

The legal defense of members where human rights have been violated for one reason or another is becoming a very large item. It is not rare in Wyoming for a school district to essentially fire a teacher for active participation in a local association even though you can not deny a person membership in a professional organization.

The $95,000 judgment issued to a teacher in State court last year was basically a problem of free speech. The teacher told people that he thought the superintendent was doing a lousy job, and the reason he said that was because the superintendent was doing a lousy job. But the superintendent didn't agree, it went through the courts, clear through the appeal level and eventually cost that district $95,000 in a judgment.

Basically, the problem comes down to the fact that administrators quite often will fire teachers or harass teachers with no real justification. The Wyoming Education Association is aware that bad teachers should be fired, and they can be fired. Through due process, certainly they can be terminated, and many are each year, and nothing is ever done.

As far as equal pay for equal work, that really has not been a problem, at least not a problem that has been presented to the HR and R commission. In other words, a woman who is teaching English will receive the same salary as a man who teaches English, if she has been there the same amount of time and has the qualifications, degrees, hours beyond the degrees.

If there is an obvious violation of any of the Federal titles we ask our locals to notify the HR and R commission so that we in turn can communicate with that district before a serious problem occurs. And quite often we can do that in just a letter or a call from the attorney and the problem is taken care of, which if it hadn't been handled, might develop into a serious violation and a court case.

We work with affirmative action. We encourage each district to have affirmative action plans. There is a fear that I sense sometimes as I speak about affirmative action programs. Perhaps it's an unfounded fear, but still I can sense it as I talk to teachers groups or to locals or to other areas about affirmative action programs. And that is something we need to work on. It's a problem, and I think we can perhaps overcome it.

We do have still some discrimination against women, against minorities. There still are school districts in Wyoming that will not hire a black, and as far as they're concerned, they will never hire a black. They may not hire a Mexican American. But they're going to have to. The courts are going to force this. In Cheyenne, as far as I'm aware, we do not have that problem.

We're working on women's rights, and women are becoming more and more involved on my own commission. Five out of the nine members are women, and as a minority group in education, at least they are becoming more and more powerful. But we still have few women administrators. When they are in administration they are almost always in the position of an elementary principal. Very few high school administrators are women. We still have a lot of work to do in that particular area, because they are not yet accepted. That's sometimes the fault of the district, but quite often it is just that women are not striving to achieve those particular positions. More and more women are becoming career-oriented, professional-minded and are trying to seek the goals that will improve their status.

The other thing that we're dealing with right now is corporal punishment. I am now busy trying to educate teachers to the fact that they can't hit kids, that the National Education Association is against

corporal punishment. The Wyoming Education Association and the National Education Association are not in favor of corporal punishment. It's a last resort and almost any school district has requirements on corporal punishment.

WEA has quite a few resolutions dealing with minority participation in the association, minority problems in school districts, hiring, firing, sexism—not only in hiring and firing, but in materials, to select materials that are not sexist. We do have a resolution guaranteeing students certain rights to be enforced by the Wyoming Education Association, and we hope to set up a grievance procedure for students so that they can have some rights. Student self-concept is the priority of the Cheyenne District this year. Students have to see themselves in a better light or they can not be successful, and quite often with the minority student this really is a problem. I don't know how you work with self-concept in too large of a class. Regardless of the percent, the dropout rate among minorities is too high. I respect Dr. Lucero and High School [No.] 3 for their attempts to help solve that problem.

The HR and R commission and WEA is hoping that we can work to avoid the very severe problems that would go even beyond what we have now.

At the conclusion of the six presentations on educational opportunities in Wyoming, Mr. Meier opened the discussion to questions. This panel had some of the most interesting and thought-provoking questions of the 2-day consultation. The first question reported here is from Betty Chavez Holcomb, a community organizer from Rawlins, who appeared as a panelist on November 11.

MS. HOLCOMB. At the University of Wyoming, with approximate enrollment of 8,900 there are only about 129 minority students enrolled. Doesn't that indicate a problem?

MR. HESSON. It certainly does, and I assume that you're working with the idea, then, of special requirement for minority students. At that university, if they are high school graduates, I assume they are accepted. Is there a problem of minorities applying and not being accepted?

MR. HARTLEY. At the last State board of education meeting there was a policy passed with regard to minimum competence levels across the State of Wyoming, leaving the determination of those minimum competencies basically up to the school districts in terms of implementation, but that they had to be responsible and responsive to functional needs upon graduation in five areas: mathematics, reading, English, language arts, and citizenship.

I don't know if that's going to resolve the problem because it's a complex problem. But at least it's an attempt by the State department of education to come to grips with it.

DR. ROMAN. Mr. Hartley, you may be a compliance agency, even though you said three times you weren't. If you'll check your files you will probably find that there is an agreement between your State office of education and the [HEW] Office for Civil Rights [OCR] entered in 1965 concerning Title VI—

MR. HARTLEY. That's right.

DR. ROMAN. —which assures internal and external compliance in civil rights both through services and employment. We're still holding you to that, Mr. Hartley, and the superintendent. We can assure you that we will be working with you in your requests for equitablity.

Mr. Burry, I believe what we wanted to know or hear from you was: Do you in fact have problems at the University of Wyoming? Your profile is not reflective of a good minority or women's hiring factor. The only way you can change behavior may be to have enforcement compliance agency like the Office of Civil Rights come in and do a little soul searching with you.

Mr. Hesson, I would commend you for your organizational stand on affirmative action. I, too, would urge you not to worry about a reverse discrimination suit; in Wyoming, you have a long, long way to go before you reach parity.

DR. LUCERO. It kind of blows my mind when a person says that he didn't really think there was that many problems in Wyoming, and that really bothers me. Number one, because this school district is in noncompliance by OCR. I think one of the problems is that we have too many individuals who do not think that there are any problems [in Wyoming]. Even the comment that was made earlier that there just aren't a whole lot of females that have "those kinds of aspirations," that's a mind blower also. I think there are lots of females that have "those kinds of aspirations."

The thing that blows my mind the most is the affirmative action. Usually all that we can expect departments to comply with is marking a checklist. They just check it off and that's it. I wish that we could do something with affirmative action that

would address the changing of attitude. That's the whole thing. We're so concerned about the injustice of "reverse discrimination," I just wish that we had more concern about the injustices that had been done up to this present time. I just think it's a copout when people say, "We mustn't get into the trap of reverse discrimination," because we've got a long way to go before we can reach parity. It's like running a 4-mile race. You've got the dominant ethnic group way up at the front and the minorities way at the back and you stop the race and say, "Okay, we're going to do affirmative action, but in order to be equal everyone has to run at the same rate." And who's going to finish first in that contest? That's the kind of the analogy that I use with affirmative action.

MR. HESSON. All that WEA can do is to encourage the affirmative action programs. Each member of the HR and R commission is going to district meetings trying again, just as I have, to encourage affirmative action programs. But the WEA can not, of itself, require a district to do anything. We are a teachers organization. We can only defend people who have been discriminated against if they feel their rights have been violated.

DR. LUCERO. The fact that this school district has implemented an alternative program is a plus and, in all honesty, I can really say that I've had just a lot of cooperation with all the people that I've worked with. Contribution is also a key. But I really think that we have to start looking at what the universities are doing in turning out teachers. We've got to start training teachers at the university level so that they can deal with the minority children. I think there ought to be a requirement from the State education department that would see to it that if I'm going to be a teacher, I should take *X* number of classes dealing with minorities, so that I can at least have some degree of sensitivity. We've got to do the same thing with our counselors. We've got to provide a lot of inservice training.

I think that we have to seriously start looking at the curriculum. We have to take a multiethnic, multicultural approach. We have to elect school board representatives from sections of the community rather than at large. If we just divided it up by districts and had one person from each district, then I think that we could get equal participation.

In many ways, the discussion completed on education was the most controversial of the 2-day consultation. Both Dr. Roman and Dr. Lucero criticized Mr. Hesson for implying that there are no problems in Wyoming; however, a careful reading of his testimony reveals that he said the State has problems, although they are small when compared with those of other States with larger populations. Dr. Roman and Mr. Hartley discussed the difficulties and confusion in implementing Title IX, which calls for the end of sex discrimination in education.

The University of Wyoming was called to task for a small minority representation and an ineffective affirmative action plan. The Wyoming Education Association was praised on the one hand for promoting affirmative action and criticized on the other for not doing enough. The Wyoming Department of Education was attacked for ignoring the problems of affirmative action almost completely.

The accomplishments of the Native American-controlled school board at Fort Washakie and those of Cheyenne High School No. 3 were noted. Cheyenne High School No. 3 is a new alternative school that was created to abate a dropout rate that ranges from 20 to 80 percent for Chicano students.

Chapter 5

The Handicapped

The final panel of November 10 focused on the emerging rights of the handicapped—those who are physically or mentally disadvantaged. The discussion, moderated by Advisory Committee Member Fuji Adachi of Laramie, included presentations from Tim Ullrich, a student and then president of the Walk and Roll Alliance at the University of Wyoming; Bernie Giese from the Wyoming Division of Vocational Rehabilitation; State Representative Ellen Crowley from Cheyenne; Marian Yoder, director of the Wyoming Protection and Advocacy System; Bruce Bernstein, director of the Legal Center for Handicapped Citizens in Denver; and Howard Rosen, Office of Developmental Disabilities, HEW, in Denver.

Statement of Panelist Tim Ullrich

The Walk and Roll Alliance is a new organization on campus at the University of Wyoming. Our primary objective is to support the legal and basic human rights of disabled people everywhere.

The motto of the Walk and Roll Alliance is, "If it's physically accessible, it's socially accessible." And our task at this point is to cooperate with the university administrators and to make the university and community facilities accessible. Our purpose is not limited to the removal of barriers that are physically obstructive. There are many other kinds of barriers that must be overcome before the disabled person can make the contribution to society that he or she is capable of.

The organization also provides a social and recreational outlet for its members. We're interested in removing barriers from the entire community. Right now we've got our hands full at the University of Wyoming. If you're familiar with Title 504 of the Rehabilitation Act of 1973, you will recognize the following statement: that "no qualified handicapped person shall be excluded from participation in, be denied, or otherwise be subjected to discrimination under any program or activity which receives or benefits from Federal financial assistance." At this moment, the University of Wyoming is not in compliance with this regulation. All programs and institutions that receive Federal funding were to have been accessible by August 2, 1977. The University of Wyoming is in violation of this regulation.

For example, an education major at the university hasn't got the use of four limbs. The thing is, she's an education major and she can't get into the Education Building. Programs can be brought to her, and now this is legitimate. However, programs that are made accessible in this way or any way should be in as integrated a setting as possible. The thing is there's a teacher training program up on the third floor of the Education Building. She can't get up there, and she's denied some of the benefits that her classmates will have because she can't get up there.

We have a paraplegic student who was enrolled in a language course, but the lab is in the basement of an inaccessible building. The regulation I'm referring to is that recipients such as UW shall give priority to methods of providing programs and activities in the most integrated setting appropriate.

The journalism department requires a minimum skill in typing. We have multiple sclerosis students, for instance, who, no matter how much practice, could in no way meet this minimum standard, yet the department requires this. This is a sort of unintentional discrimination. Nobody had these people in mind when they made the regulation. Obviously, a person can be a competent journalist, maybe even an exceptional journalist, without a typing skill. The dean of students at the University of Wyoming has been really cooperative, and many other members of the faculty committee concerned with the accessibili-

ty to the campus to disabled people have been cooperative.

Statement of Panelist Bernie Giese

We tried to develop some meaningful personnel recruiting practices for the handicapped ourselves and actually do some recruiting. We found out that we could do recruiting for disabled people and minorities without spending too much money. Colleges were really willing to cooperate. We stated that, and then we tried to make our recruiting system a bit more equitable for all people. We've had a lot of help from the State personnel division.

The next thing we did as an agency was to recognize that not all of our own offices were accessible—not accessible the way that we think they ought to be, anyway—and that's cost a little bit of money for the last year. The next steps that we've taken are to try to serve as a consultant to a lot of other agencies and industry. We have a great deal of information available to architects and builders as to what standards actually are and how they can be practically employed. This year one of my personal goals is a commitment to the deaf in this State to get a variety of services available, so that if a deaf individual goes to the University of Wyoming, they can have access to interpreters and things like that. All of these social services programs, of course, are obligated to provide the same kinds of things. Most of the State government is. The problem is that there is no meaningful amount of registered and trained interpreters in this State. To get that accomplished, you have to go back two more steps if you have to get sign language taught in the State in a meaninful, consistent manner. It has not been.

The next thing is to get enough people, who know sign language, who are interested in becoming interpreters because a lot more is involved than just being able to sign in, actually being a good interpreter. The other thing that the agency has committed itself to is establishing at least a minimal teletypewriter (TTY) system in this State. And as soon as I get the responses back from the deaf organization and put that with a few other responses that I've asked for, we will try to establish a minimum TTY communication system in the State. They will be able to have access to services that perhaps because of the telephone communication problem they were not able to get before. We've had a request from four cities on how to set up a system to make parking available for handicapped individuals, and those guidelines are going out to municipalities.

Statement of Panelist Ellen Crowley

Public Law 94–103 is probably the most unusual, far-reaching, innovative passage of legislation that has ever come out of the United States Congress. It mandated for the first time that all the States have statewide systems for the protection and advocacy of persons with developmental disability. Each State shall have a system for the "protection and advocacy" of rights for persons with developmental disabilities by October 1, 1977.

Congress provided a great deal of flexibility in the passage of 94–103. It said to each State, "Develop a plan, implement a system that is appropriate to the people in your State, necessary to meet their needs and fitting for their potential and the population in your State."

There are two conditions that were expressed in 94–103. First, the protection and advocacy system will have authority to pursue legal, administrative, and other appropriate remedies to insure the protection of rights of persons with developmental disabilities. Second, the system will be independent of any State agency which provides treatment, services, or rehabilitation to persons with developmental disabilities. This was important because it means we do not have to wait for any rules and regulations. We don't want any rules and regulations out of Congress because we're going to do it our way. We know what the people in Wyoming need. We know what they want. We think we know that they need us.

For the purposes of 94–103, developmental disabilities has a very good definition:

> A developmental disability is attributable to mental retardation, cerebral palsy, epilepsy, dyslexia or autism, resulting in impairment of general intellectual functioning or adaptive behavior, similar to that of a mentally retarded person, and requiring treatment and services similar to those required for mentally retarded persons. The developmental disability originates before the person attains the age of 18 years. It can be expected to last indefinitely and it constitutes a substantial handicap to such person's ability to function in society.

The protection and advocacy system in Wyoming is solely for the benefit of people with developmental disabilities. We hope to promote the benefit of these people by civil rights and their personal rights. The

protection and advocacy system is governed by a board of five directors. The State is represented in the system by nine advisory board members who represent the nine judicial districts in the State of Wyoming.

The protection and advocacy system coordinates and cooperates very closely with the development disabilities planning council. And there are 29 members on that council representing people and professions and expertise throughout the State of Wyoming. We propose to link ourselves with the components of local groups, by disseminating information; by knowing the needs; and by communicating with the State, local, public, and private agencies and the people who want and need these services.

One of the most crucial variables in any workable plan is informing the consumers of their rights and of the remedies to protect those rights. We have no intention and we can not and we will not interfere or compete with any of the presently existing services. We need to build on them.

In 1977 the legislature, for the first time, put the words "developmental disabilities" into our statutes. It was a great victory. The developmental disabilities planning council worked hard, talking with people, informing the legislatures. The people throughout the State of Wyoming helped advise the legislators in telling them how necessary it was.

Let me read the law: "The developmental disabilities authority shall provide a coordinated network of programs, basic and specialized services, and facilities best suited to meet the needs of each person with developmental disabilities."

Statement of Panelist Marian Yoder

The board of directors of the [Wyoming] protection and advocacy system hired me to implement the plan. We're a federally mandated organization designed to protect the rights of the developmentally disabled, and every State has a counterpart to our organization.

First, we acquaint the public at large and the developmentally disabled public, in particular, with the rights of the developmentally disabled. The end is to provide each person with a developmental disability the opportunity to lead a dignified life.

Second, we will continue to create an interest among lawyers in this State and also further negotiate commitments of legal time and services from them in key areas throughout the State, to provide on-the-spot legal advocacy where the need arises during the course of our year. It is our hope to create a legal system to which people may turn for information and referral and also to create a system that is capable of perpetuation. During this year, we will be serving as an outlet to which all people—those people with developmental disabilities, their parents, their associates, their lawyers—may turn for information and referral as to their legal rights. Providers and planners of services for the developmentally disabled may look to us as well, and we definitely will be looking to them during the course of this year.

The mere presence and recognition of the fact of protection and advocacy systems' existence brings attention to the fact that the Federal Government is locally interested in the enforcement of civil rights legislation in this State. The Governor's commission on the employment of the handicapped found that many private organizations are still totally unaware of the existence of the handicapped regulation, and this implies that a great deal of awareness needs to be accomplished.

Both the spirit and the letter of the law that created the protection and advocacy system throughout the country is to assure each person with a developmental disability the opportunity to lead a dignified life.

Statement of Panelist Bruce Bernstein

The Legal Center for Handicapped Citizens is the protection and advocacy system implementer for the State of Colorado. However, the legal center goes far beyond the protection and advocacy system, in that we serve not only developmentally disabled persons, but any handicapped child or adult who has a legal problem relating to or arising out of their handicap.

The legal center was established or grew out of a branch office of the Colorado Association for Retarded Citizens and was established in 1974. In early 1976, the legal center was incorporated as a separate, nonprofit corporation, which enjoys tax-exempt status under [U.S.] Internal Revenue Service rules as a public interest law firm.

We serve handicapped people anywhere in the State of Colorado. We do not charge any fees, and we represent persons without regard to income, location, race, or type of handicap. The legal center has three goals. First, we deliver individual legal services to handicapped persons or advocates for handicapped persons, including associations and organizations who have legal problems related to the handicapped. And we do both civil and criminal

work, although most of our work is done in the civil area.

Our second major function is an educational function, in which we share our expertise by way of education programs and training seminars with client advocacy groups, handicapped persons, State government, private industry, and almost anyone else who wishes to listen to us. We provide a speaker for their group on topics dealing with law and the handicapped.

Our third major function is analysis and consultation regarding proposed legislation and rules and regulations, primarily on the State level, although we will be getting involved in Federal legislation, both at the request of the State government or State agencies and/or advocacy persons. In the past, we've worked with a number of departments of government in the State of Colorado, and we're presently working with the Colorado State Department of Education.

There are three Federal laws regarding the handicapped with which we are concerned today. The Education for All Handicapped Children's Act, 94-142, is a Federal act which provides States with certain funding monies for special education programs for handicapped children. In order to get the money, each State must file a State plan setting forth certain procedures and assurances to be given within the State. Basically, the act covers children between the ages of 5 and 21. The act has a number of provisions but the most important provisions are as follows.

First, the act requires the State to aggressively seek out all handicapped children. "Handicapped" includes developmental disabilities, visual impairment, hearing impairment, mobility problems, learning disabilities, and other handicapping condition which would prevent the child from benefiting in the regular school program without special aids or special skills or special attention.

After the children are located, the law requires that the child be individually evaluated as to strengths and weaknesses and an individual program be prepared to prepare that child to reach whatever educational goal is possible for the child to achieve, given the handicaps. The individualized nature of the program is probably the most important provision of the law. Each handicapped child must be evaluated, and a program with specific short- and long-range goals for the child must be established.

Some of the other important provisions of the act are that the educational services must be delivered in what's called the "least restrictive alternative," which means that a child is entitled to attend a regular school in a regular classroom setting with all nonhandicapped children, unless the child can not benefit from those services even with special aids and attention. In order to move the child out of a regular school into a segregated school for the handicapped, the school district or implementing agency has to establish that the child cannot benefit from schooling with nonhandicapped children, even with the provision of special separate services as necessary.

The biggest problem the implementing agency, usually the local school board, has is often an honest response: "We'd like to do what the law requires but we don't have the money." In reality, the goals are great and the money is just not there. However, as an advocate for the children and handicapped people, we have to put a stop to that sort of talk right away and get across to the implementing agencies the lack of money will not be accepted under any circumstances as any kind of long-range solution to the problem.

On a short-range basis, compromises may have to be reached and developed in order to see the problem implemented on a longer range basis. But when push comes to shove, the implementing agency must realize that nonlegally required programs, such as band, football, advanced math, or whatever, are finally going to have to fall by the wayside so the handicapped children have the same opportunity to achieve their maximum as the nonhandicapped students.

The other two laws which we're really concerned with are sections 503 and 504 of the Rehabilitation Act of 1973. The definition of "handicapped" under these Federal laws is really a three-part definition. The first says a handicapped person is someone who has a mental or physical handicap which substantially affects a substantial life function, such as walking or earning a living or dressing or caring.

The definition includes as a handicapped individual any person who has been identified as being handicapped, whether or not she or he is actually handicapped—that is, a person who perhaps at one time had a record of being handicapped. Even though she or he has overcome that handicap, the person is also protected under law. The final part of the definition provides that a person whom others consider as being handicapped also falls within the protection of the law.

Section 504 provides that no otherwise qualified handicapped individual shall, solely by reason of handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination in any program or activity receiving Federal financial assistance. In the area of employment, Section 504 requires that Federal fund recipients make reasonable accommodations for handicapped employees and prospective employees. What exactly "reasonable accommodation" is is not clearly known at this time. It's decided on a case-by-case basis, and as the case law grows, we'll have better ideas of what reasonable accommodation is. Reasonable accommodation may include such things as changing of work schedules for the person, changing of types of furniture or equipment used—e.g., to raise or lower it to accommodate someone in a wheelchair or not in a wheelchair. It's rescheduling of work where a job has many aspects or facets to it, and the handicapped person can maybe do eight out of the 10 tasks. Perhaps reasonable accommodation would include assigning those eight tasks to that person and the other two to somebody else in the particular employment.

Section 503 is applicable to Federal contractors and requires that every Federal contract of a value of $2,500 or more contain a clause in which the contractor agrees not to discriminate in the hiring and advancement or placement on the job of qualified handicapped individuals. There is a provision which requires affirmative action program for large contractors with over $50,000 in Federal contracts and over 50 employees.

Section 504 is enforced by the Office of Civil Rights of HEW and has also been determined in the courts to be enforceable by the handicapped individual himself bringing an action to secure his rights. Section 503 is currently enforced by the U.S. Department of Labor, Office of Federal Contract Compliance Programs.

One of the problems with Federal enforcement of Federal legislation is one word—it's slow. The U.S. Department of Labor has acknowledged that it is badly understaffed and can not handle the vast number of 503 complaints in reasonable periods of time, though some improvement is being made on that.

Statement of Panelist Howard G. Rosen

Section 504 [of the Vocational Rehabilitation Act of 1973] was passed by Congress in 1973, but the regulations were not published at that time. The following events took place which resulted in the publication of the regulations in the *Federal Register* on May 4, 1977. [The regulations went into effect on June 3, 1977.]

- Occupation of Hew Regional and Central Offices by the handicapped on April 28, 1977.
- White House Conference for the Handicapped on May 23–27, 1977, in Washington, D.C.
- A growing "militancy" on the part of organizations for the "handicapped."

As a result, we now have a law which provides strong legal support for the handicapped.

Since the rights of the handicapped are newly codified, the participants received several questions relating to the definition of handicapped and whether the new laws conflict with those outlawing discrimination based on race, color, religion, sex, or national origin. In response to one question, Regional Attorney Levis explained the difference between the two sets of laws.

MR. LEVIS. There's a difference between civil rights laws which say there's to be no discrimination; everybody's covered by that because everybody has a race, sex, or national origin. The handicapped law specifically talks about the rights of the handicapped, not the rights of the nonhandicapped. There is a difference, in that this law specifically talks about the handicapped.

MR. BERNSTEIN. The way you reasonably accommodate is you assign one person to tuneups and oil changes, and you assign somebody else to other types of work within that job description. They're just doing other types of work within the same job description.

SLEETER DOVER. That's great in a union situation, but I'm at the [Wyoming] highway department. We get some pretty isolated shops out in the field, and job descriptions are great, but we've got people who drive bulldozers in the winter time to clean streets that maybe don't do anything but wash windows in the summer, but that's not on the job description.

MR. BERNSTEIN. I think your job description puts you between a rock and a hard place. If your job description fits in my man's skills, I'm going to say by God that's the job description he can meet, the job description you're going to hire him in. If my man can't meet the skills of the job description but in reality can do what the job calls for, then I'm going

to say, "Don't use the job description, because I'm an advocate." So you're going to be stuck either way.

PAULINE GONZALES, RAWLINS. How long do public facilities have before they must comply with all of the regulations that are set as far as handicapped people in terms of the elevators, wider doors, etc.? How long do they have to comply, and who's going to enforce it?

MR. ROSEN. In relation to the deadline, June 2, 1980, is the deadline for structural changes to be made in existing facilities where necessary to achieve program accessiblity, so seemingly they will have until June 1980. Another date is December 2, 1977, in the event that structural changes in existing facilities are necessary to make programs accessible, recipients of HEW funds shall by this date develop a transition plan. These facilities have to submit a plan, outlining the steps needed to complete these changes, and a copy of the plan would be made available for public inspection and the deadline, as I mentioned before, for the actual structural changes is June 1980 in all buildings which receive HEW funds like school buildings, social service buildings.

MR. BERNSTEIN. There is a provision for new construction using Federal funds that says it must be barrier free, accessible to the handicapped. Under section 504 for existing facilities, one of the outs in the law provides that existing facilities, when viewed as an entirety, must be accessible but not every nook and cranny therein. So, we're not necessarily going to get everything corrected. For new facilities there are requirements under 504 that deal with federally-funded buildings that will presumably correct every nook and cranny.

As for enforcement, I think Mr. Rosen indicated under 504 the Office for Civil Rights in HEW is the enforcing agency, but also the handicapped person who can't get into the building, or can't get into the program or whatever, has a right of action in his own name.

Laws against discrimination on the basis of handicap are just being implemented. Many questions remain unanswered but several can be resolved now. The fact is that discrimination against the handicapped is illegal, and Federal contractors and fund recipients such as schools have to do all within their power to reasonably accommodate handicapped students and employees. More important, there is a need in Wyoming for a local mechanism, such as the Wyoming Fair Employment Practices Commission, to monitor the success or failure of the handicapped laws. As in Colorado, this agency should be given jurisdiction over the disabled.

Chapter 6

Employment Discrimination

On November 11, two panels of experts discussed employment discrimination in Wyoming. The first panel was composed of three State employees involved in equal employment opportunity enforcement. The speakers were Susan Dowler, Compliance Officer, Wyoming Fair Employment Practices Commission; Sleeter Dover of the Wyoming Highway Department; and Oralia Mercado of the Wyoming Employment Security Commission. The moderator was David Scott of Casper.

First Panel

Statement of Panelist Susan Dowler

The Wyoming Fair Employment Commission was created by the Wyoming Fair Employment Practices Act in 1965 to receive, investigate, and pass upon complaints of employment discrimination. It is illegal under our new law to fail to hire, to discharge, to demote, to fail to promote, or to otherwise discriminate in terms of compensation against any person otherwise qualified because of their race, creed, color, sex, national origin, or ancestry.

Our office is also a 706 agency of the Equal Employment Opportunity [EEO] Commission and we investigate Title VII complaints. Title VII law is broader than our Wyoming law. It includes terms and conditions of employment which cover harassment on the job. If your employer is trying to get you to quit, or you're being treated differently than other people, you can file a complaint without being discharged first. Title VII also has a retaliation provision which says that if you are still working for your employer and you file a Title VII charge, it is illegal for the employer to take any adverse action against you because you filed a charge. It also protects people who participate in an investigation from harassment on the job, discharge, or any other action the employer would take against them.

The types of things that are considered discriminatory include arrest and conviction records which have an adverse impact on minorities who are arrested and convicted more often than other people. There are also credit records, garnishments, and the color of your hair and eyes. If you're a blue-eyed blond you are not going to be a black.

Other discriminatory questions are whether friends or relatives work for the company. Basically, you're facing an all-white, male work force. All of the white males pass on the information to their friends, and it doesn't get to the public, especially to minorities. Questions that would relate to sex discrimination include, "Do you have any children under 18?" This has been used so that employers don't hire women with preschool children. Their rationale is that every time the children are sick the mother would have to take off work. Other questions include, "What's the lowest salary you will accept?" Historically, women have worked for less, minorities have worked for less simply to find a job. Other queries are, "What's your maiden name?" and "Circle whether you're Mr., Miss, or Mrs." Now they even use "Ms." to determine whether or not you are a "libber." In order for marital status to be sex discrimination, you have to compare during the investigation whether or not the company hires married men and married women, divorced men, divorced women. If they hire divorced men and not divorced women, that's sex discrimination.

Another area that's changing a lot right now is religious discrimination. The questions include, "Will you be able to work Saturdays or Sundays?" This immediately serves to screen out a lot of people. If employers have set a height and weight requirement,

it may screen out females, most of the Spanish-speaking population, and Orientals.

A lot of employers really don't seem to understand that it is illegal to refuse to hire a woman because she is pregnant. An employer cannot refuse to grant a woman maternity leave or impose a mandatory date for the leave. People used to say, especially in school districts, that as soon as you began to show—3, 4, 5 months at the most—that you would have to leave. And that is illegal. The U.S. Supreme Court has come out with the *Gilbert* decision, which is very limited in that it says that pregnancy need not be a disability covered by an employer's disability insurance program. Until the [U.S.] Supreme Court decides otherwise, our [Wyoming fair employment practices] commission is interpreting that it is discrimination if you do not allow women to use accrued sick leave for maternity leave.

When we receive a discrimination complaint, our agency has 10 days to process it. Wyoming does not have any formal time limit from the date of discrimination to file a complaint. Most other agencies do. The EEOC has an 180-day filing period. If you file with the State commission first, then you have 300 days to file your charge.

The complaint form is then sent to the employer who is given forms to fill out to respond to the charge. We have a staff of two people for the entire State. We have about 125 charges pending right now. If the employer does not indicate that he wants to settle the complaint right away, it is 9 months, at least, before the complaint can be investigated. During the investigation, all of the witnesses are talked to, comparisons are made of employee records of how other similarly situated employees were treated. After an investigation, two decisions can be made: a cause finding which supports the charges filed by the complainant, or the complaint can be dismissed.

Once a cause finding has been made, a proposed settlement agreement goes out to both parties—the complainant, and the employer. A complainant can recover back pay, can be reinstated in the job, and can have seniority and all other fringe benefits restored. Settlement agreements also state that if the complainant is reinstated, he/she will work in an atmosphere free of harassment. We monitor that agreement for 1 or 2 years after the signing of the settlement agreement.

If an employer or a respondent refuses to settle a complaint after a cause finding is made, it's scheduled for a public hearing. The public hearing is held before the Wyoming Fair Employment Commission composed of five people: the commissioner of labor and statistics and four others appointed by the Governor.

At a hearing, a complainant and respondent are urged to have attorneys to represent their cases. The commission staff who conducted the investigation do not participate unless called by either attorney. The file that was generated during the investigation can be placed into the record by either attorney. Basically, the complaint is presented *de novo*, and the commissioners decide on that information.

After the commissioners make their decision, whoever loses has the right to appeal to State district court. From district court, it goes on to the Wyoming Supreme Court.

In fiscal year 1976, we received 145 complaints, and until that time there was only one person, the director, who received and investigated complaints. We now have a staff of two. We can do it twice as fast, but there's still a very large backlog. The reason we only have two people is because we're limited by the State legislature. We have a budget of approximately $40,000 from the State, and we recover regularly more than $120,000 a year for complaints. Lately, U.S. Supreme Court decisions seem to be going against civil rights enforcement. They're getting stricter and stricter and have ruled that seniority systems can do just about anything they please.

In Wyoming, we have made several attempts to amend the State act. We would like to have provisions incorporating retaliation and terms and conditions of employment. It really does very little good for a person now to have to continue his/her employment in misery until he's discharged and then wait 9 months for us to investigate the complaint.

Another problem we have is that if a complaint does go to a hearing, the complainant bears the burden of attorney's fees. We would like to see a provision added to the acts for attorney's fees, since the employer has an attorney there.

Statement of Panelist Sleeter Dover

The [Wyoming] highway department EEO operations cover just about the entire spectrum of civil rights laws that are covered by Title VI, VII, and in some cases, VIII. We deal with 11 Executive orders, the Federal Aid Highway Act of 1973, the Railroad

Revitalization Act of 1976, and the Omnibus Crime and Safe Streets Acts of 1968.

In 1964 the Civil Rights Act was passed, and everybody was exalted in jubilation. As a kid in South Carolina, I remember very vividly the gracious exaltation in my own household, but something happened, something went wrong somewhere. That exaltation turned to bittersweet. As I progressed through life, I knew that something was wrong somewhere. And I know what that something is. It's people. I travel in the State quite often and am just absolutely shocked at some of the opinions that I hear, at the lack of sensitivity in this State toward different groups, particularly the American Indian.

So what are we doing about it in the highway department? We have cleaned up a very vicious application form. When I first came in the highway department 2 years ago, the application form had places for pictures, and it asked, "Do you attend church?" "How often do you attend church?" "What's the church you belong do?" "What organizations do you belong to?"

The minority percentage in the labor force in the highway department is 4 percent against a minority labor force in the state of 5.7 percent. Women are 35 percent of Wyoming's labor force compared to 12 percent in the highway department. Most of the minorities are centered in the service maintenance category. I'm not ashamed of that because it's like that nationally. I stand accountable for it, but I don't apologize for it because I didn't create this situation. I'm trying to correct it.

The educational process is what I delved into the first year on this job. I mean educating managers and supervisors from the superintendent to the night shift foremen and the custodians. Thirty percent of my time is spent just talking with managers and supervisors about black people, about Chicanos, about the American Indian, because there's a tremendous gap, culturally; in cultural awareness, in the State. I'm not just singling out this State. It's everywhere.

On every contract let to bid involving Federal funds, we insist that a certain percentage of the employees are minority trainees. We've got some difficult problems with this program. The biggest problem is the impact of the State. We can get two truck drivers but we can't get them a place to live. This is our biggest problem. The only thing contractors want to do is put down on their reporting form that they did indeed contact us so they have us over a barrel there. We're working on this to try to figure out a way to get around what is always a cat and mouse game.

When I first came to the highway department, we recruited primarily at South Dakota School of Mines, University of Wyoming, and in Utah. The chances of getting minority civil engineers from the South Dakota School of Mines, University of Wyoming, and the University of Utah are just about nil. We have started recruiting at some of the primarily rural black colleges in the South and Southwest, such as Alabama University in Huntsville, Alabama; Prairie View A & M in Prairie View, Texas; and Southern University in Baton Rouge.

Those efforts haven't been glowingly successful. We have recruited one black civil engineer in 2 years. We have two female civil engineers. The fear among our managers and supervisors with females, particularly at the engineering level, is that they're going to get married, follow their husband off somewhere. I don't necessarily agree.

Some things we do more, some we do less, but at some point we do it. And I think our female employment statistics have increased by 3 percent in the last year. We started off at 9 percent; now, we're at 12 percent. With minorities, we started off at about 3 percent; now we're up to 4.

If recruiting at Alabama A & M in Huntsville or Prairie View is reverse discrimination, then recruiting at South Dakota School of Mines and University of Wyoming is reverse discrimination.

Statement of Panelist Oralia Mercado

I'm the equal employment opportunity officer for the [Wyoming] employment security commission which is based out of Casper. We have 16 job service centers throughout the State. We have one part-time job service center in Jackson which is primarily an unemployment insurance claims center, and we run itinerant services to small communities. It's my responsibility to ensure and to enforce the equal employment opportunity laws within our agency and to make sure that applicant, claimants, and employers receive equal services. I make sure that all job service centers in the State comply with the law. I do a compliance review of each center at least once a year.

In 1977, for the first time, the State employment security commission was required to submit an affirmative action plan. Our affirmative action plan is a public document. One of the things that is

necessary to enforce the policy within our affirmative action plan is top level commitment, and within our agency I feel I have top level commitment from the executive director. We distribute the affirmative action plan to minority groups, handicapped groups, female groups. By distributing this, I'm hoping to have some input from the grass roots people, the total communities in the State on what they feel affirmative action should be doing for them, for people they know.

Our affirmative action plan has an explanation of our complaint system for applicants and claimants. Our complaint forms are printed both in English and Spanish. Just recently I developed a flow chart on EEO complaints, where to send the complaints, what form to use. We developed the flow chart and the complaint form so that people would know what to do when someone came in with an employment complaint.

Nationally, we have implemented what we call a PEERR which stands for Programs of EEO Reevaluation Reports. It's a computerized system by which we will evaluate our job service centers monthly rather than yearly. I also train staff in the State office for training. I make them aware that EEO is not only my job, it's everybody's job—from the file clerk on up.

As far as I know, Sleeter Dover and I are the only ones in the State with major EEO responsibilities who have established affirmative action plans. Just recently, we met with the State EEO coordinator and we're trying to establish a statewide affirmative action plan for State agencies which would cover any other State agency that is not now covered by their own affirmative action plan. Our statistics revealed that by May 31 in 1977 we had 41,000 applicants in our offices. Of those, there were 4,533 minorities, and the highest number [3,000] of those were Chicanos or Hispanics. There were 600 blacks and 900 American Indians. When I compared the placement ratio of these applicants, I found that our biggest lack was placing those in the ages between 40 to 65 and the handicapped people as compared to the total applicant group.

Within our agency there are 269 employees; 94 percent of these are nonminority white, 0.5 percent are black, and 4.5 percent are Hispanics. [Four percent of Wyoming's labor force is Hispanic.] The labor force in Wyoming is 35 percent female. Within the employment security commission, 58 percent of our employees are female, and 70.5 percent of all minorities within the agency are at a professional or above level; the rest are in clerical and maintenance positions.

Females are really lacking in administrative management positions. Minorities are also lacking in these positions so those are the areas that I address more heavily in the affirmative action plan. It goes further than just being given an opportunity. I think that we as minorities and females have to be not afraid to put our foot out and do something.

Several recommendations resulted from the discussion of enforcement of Wyoming equal employment opportunity laws. First, at least two more investigators and one secretary are needed to reduce the case backlog of the Wyoming Fair Employment Practices Commission, which is woefully understaffed with but two investigators and one secretary. Second, Wyoming, as with other States, needs to provide free legal representation for those complainants who must take their cases to a hearing before the commission and to court. Third, and most important, there must be a coordinated effort among State agencies to promote affirmative action. The present system of departmental equal employment opportunity officers lacks cohesiveness. The affirmative action program should be coordinated statewide.

The second panel of employment discrimination was also moderated by Advisory Committee Member Scott. Panel participants were Tom Bauman, president of the Cheyenne Chamber of Commerce; Millard Neal, with the Office of Federal Contract Compliance Programs of the U.S. Department of Labor; and Monica Spellman, with the Colorado Civil Rights Commission.

Second Panel

Statement of Panelist Tom Bauman

A former Federal Communications Commission [FCC] Chairman made the comment that the FCC continues to be the first and only regulatory agency that has placed equal employment opportunity responsibilities on its licensees. I own a radio station and that is my first and foremost responsibility. It took over half the time that was required for our license renewal to complete the equal employment opportunity model program this time, instead of just a few minutes as it has in the past. It took approximately 2 1/2 weeks measured in time and

money. It's a very, very expensive portion of the FCC rules and regulations.

As president of the Greater Cheyenne Chamber of Commerce, I contacted my fellow board members, who are quite representative of the community and employment within the community, and asked them to give me a very short reply to three questions.

Question number one: What problems has your business experienced with civil rights laws? I would like to go back and recap what some of the replies were from some of the business people within our community. The first comment was: "Most civil rights cases are harassment with no discrimination involved. Cases should be screened to eliminate those, since processing is time-consuming and costly."

Another comment: "We feel that we are being used. We talk about civil rights laws as basically for harassment by disgruntled applicants or former employees. We do not discriminate in our hiring practices." A third comment:

> We have been tested on many occasions to see if we will employ minority persons. After putting these persons through our testing and interviewing procedures and hiring a number of them, they never show up for work. This can be documented.

A fourth business representative:

> I believe it's entirely too easy for an employee to file a complaint against an employer for no justifiable reason and require the employer to defend his position when there is no merit to the complaint whatsoever.

The second question was: What recommendations do you have for improving fair employment laws in Wyoming? One response was that "the business experienced no great amount of difficulty." Several other said "none." One response: ". . .need literature and employer education. The laws we have now are adequate, implement them." A final answer was: "Complaints without merit should be handled expeditiously, and the staff should be fair and unbiased."

The third question I asked was: What recommendations do you have for improving employment education practices in the State? Several said "none." At least one said, "Teach young people these things: reading, writing, and arithmetic, and the principle that a person must work for a living. There are no free lunches."

From a State level—and putting on another hat at this point as a board member of Laramie County Community College—I think the answer is basically in vocational training, with a requirement that a testing program be set up at perhaps the third, sixth, ninth, and senior high levels for basic educational background. There should be a basic requirement that when students finish high school they should be able to do certain things and do them at a very basic level.

If you want to prepare individuals for the real world of work, the best place to do that is in a vocational environment. We have it here, and the support for additional vocational programs would be very helpful if you're really interested in taking care of the people who need the work. Vocational education has probably done more to solve part of our unemployment problem in the community, according to Edith Howard, than any other single factor that's happened in Cheyenne in some time.

The mechanism is here. I think our best bet is to use it. I think everyone is looking for people who want to work, who are qualified to work, who have a work attitude, and have some basic background education.

Statement of Panelist Millard Neal

The Office of Federal Contract Compliance Programs (OFCCP) is located in the [U.S.] Department of Labor, Employment Standards Administration. The Employment Standards Administration includes four different programs: The Office of Workmen's Compensation, the Women's Bureau, the Wage and Hour Division, and the Office of Federal Contract Compliance Programs.

The OFCCP has 10 regional offices. In each office there are three programs. One is the Executive Order 11246 and 11375 program, which seeks to gain affirmative action from Government contractors for minorities and females. Another is the Section 503 handicapped program. It relates to the affirmative acts that Government contractors are required to make to hire and advance handicapped persons. The third program is the veterans program, which is oriented toward the disabled and Viet Nam era veterans. Any contractor that can be proven to have practiced any form of discrimination during the course of employment can, unless the type of

discrimination is corrected, be removed and the contractor disbarred from Government contracts.

Of the three million contractors in the United States, about half of them are in one way or another Government contractors, so we're talking about a very large sector of the American economy.

OFCCP oversees the actions and the compliance functions carried out by the agencies to whom certain responsibilities have been delegated. Under the Executive order program, the contractors are required to set goals and not quotas for minority and female persons. A "quota" is, just for an informal definition, something that is required, something you must do regardless of your business activities, whereas "goals" are those places we wish to go. In establishing goals for minorities and females, the contractor is required to realistically look at the work force, to realistically analyze and search through the activities of previous years, and establish goals which he sees as realistic and reasonable.

In conducting compliance reviews, the compliance specialist will ask, "To what extent has the contractor met previous goals?" The other consideration is to determine the utilization of minority and female persons in each contractor's work force. Any contractor with a Government contract of $10,000 or more is required to have an affirmative action program and to state in that program that he will not discriminate against disabled veterans or veterans of the Viet Nam era. He must also state that he will make reasonable accommodations to accommodate the disability of a disabled veteran. Any Government contractor with that $10,000 minimum contract must list all suitable job vacancies with the State employment service. Any veteran who feels that he has been discriminated against can, within 180 days, file a complaint with the veterans employment representative, at the State employment service or the Department of Labor.

The third program, the handicapped program, is designed to encourage affirmative action to employ handicapped persons. Any Government contractor with a contract of $2,500 or more is required to act affirmatively to employ handicapped persons. A handicap is defined as a condition which substantially limits one or more of the major life activities of a person. The person may be handicapped, may feel handicapped, or may be regarded to be handicapped.

When I say "regarded to be handicapped," let me give you an example of that. A person may have had a heart attack in 1973, and wish, in 1977, to get a job as a guard. The employer may say that this person is not qualified for the job or that he's taking some unusual risk by employing that person. Such a person, if denied the job on that basis, would have been discriminated against because he was regarded as having a handicap.

The Government contractor is required, as in the case of the veterans, to make reasonable accommodations to accommodate the handicapped persons. In both cases, the person must be otherwise qualified. "Reasonable accommodation" refers to those things that a contractor can do to make an otherwise unavailable job available to a handicapped person.

Statement of Panelist Monica Spellman

As a native of Wyoming, I'm interested in Wyoming's problems and advancement in the areas of civil rights.

The Colorado Civil Rights Commission has been in existence as an official agency for 20 years. This year we have a budget from the State of about $500,000 and an additional $250,000 from the [U.S.] Department of Housing and Urban Development to handle a special project.

We employ about 45 to 50 civil rights staffers who handle approximately 2,500 cases of alleged discrimination a year. Of those complaints, about 60 percent are either dismissed or closed administratively. Most people immediately assume that those complaints were groundless. That's not true. Many of them are cases where the complainant has moved away after the long delay in handling his complaint or she/he's no longer interested in processing it; the respondent has gone out of business and the complainant decides not to pursue the case. And some of them are cases where there is no evidence of discrimination. The reason they're deferred to the Equal Employment Opportunity Commission [EEOC] is either because Federal laws, being broader, can cover more cases, [or] in other cases, it's because it is a class action complaint against a large employer which could be better served through EEOC rather than through the Colorado Civil Rights Commission. The other third of our cases are settled, mostly to the satisfaction of both the complainant and the respondent.

A lot of the things that the civil rights commissions demand and request of employers are nothing more than good business practice: accurate job descriptions, good recordkeeping, fair employment practic-

es—none of which are designed to hinder or be detrimental to someone's business.

Our courts, over the past 4 years, have been slashing away at the civil rights of people in Colorado. State employers, which number between 35,000 and 50,000 in Colorado, no longer have the protection of the civil rights commission. State employees alleging discrimination must ultimately file against the department of personnel—yet it is that same State department which now rules on cases in which it—the department of personnel—is also the respondent. Our civil rights commission no longer has the authority to file class action complaints in cases where we feel that an entire class or group of people such as women or Chicanos or blacks or Indians are discriminated against.

Four or 5 years ago, and even as recently as a couple years ago, the communities that I worked with as community relations coordinator were the black community, the Chicano community, the female community, the Indian community. Today we've found that the community has changed and that the community we're most interested in working with now are the business community, the employers, the landlords, the property owners, the people who own bars, discoteques, the school boards, the superintendents, the principals, the teachers. They're the people who are really in need of our expertise and the awareness that we can give them.

Minority and female communities today are much more aware of their civil rights than they have been in the past. They're much more willing to go forward and file complaints even though it may mean a long drawn-out process.

It's the business communities and the teachers, the other groups that need to learn that we are not trying to cause trouble. We're not advocating dissent and harassment. We are simply trying to make the "American dream" a reality for everybody, not just for the white male club.

To this end, we've instituted a couple of new procedures we're hoping are going to have marvelous effects. It's too soon to tell. One of these—unfortunately—is called the ERP process; ERP standing for "expedited resolution process." This came about for two reasons: frustration and unhappiness, and the big staff turnover we had as a result of the time lag. Right now we have a 3- to 4-month backlog. We have about 1,250 cases open, and only about 50 to 60 are actually being worked on at any one time.

Through the ERP process, before any work is done in investigating a complaint, we invite the respondent—the owner of the business or the landlord or whoever is involved—and the complainant into our office to sit down at a table with a staff person to talk about the complaint. If they want to bring evidence or witnesses, that's fine. If they want to bring an attorney, that's fine. None of that is required.

So far, about 70 percent of the cases that have been through the ERP process have been settled satisfactorily. We're hoping that if we can institute ERP successfully on a full-time scale, we will be able to clear up the backlog that's always hanging over the heads of civil rights workers and turn our expertise and our efforts and our hours into talking to more groups of people into doing more awareness training.

Civil rights right now is in the position of putting out fires that probably could have been avoided in the beginning. We're hoping to start an educational process and kind of clean up some of this. We would welcome any pleas for help that the Wyoming FEPC [Fair Employment Practices Commission] or any other group has. We're more than happy to invite you down to our training sessions or our own awareness sessions and, time and money being what they are, we're glad to travel to Wyoming to assist in awareness training sessions.

[Ms. Spellman then responded to a remark by Mr. Baumann.] While there's nothing wrong with working in a vocational area, there is something wrong when that particular area of the job market is open to blacks, to Chicanos, to women, and to Indians, and the higher education that can lead you to the top decision-level positions is open to the white men.

[Ms. Spellman then described the work of the National Association of Human Rights Workers (NAHRW), Rocky Mountain Chapter, of which she is president.] NAHRW is a support group. Everybody who works in human rights, whether they're in affirmative action, EEO programs, or mental health work or social services or the hard core civil rights compliance areas, share a lot of the same frustrations, the same problems. Before we can go out and provide awareness training and sensitivity training to our public and our communities, we really need to increase our own awareness and sensitivity, to broaden our own scope. So NAHRW attempts to provide peer group support, to provide the types of educational programs, increased education, and in

some cases even to advocate stances on certain problems that we're facing.

As with the previous discussion, the problems of employment discrimination were opened up to questions from those in attendance. The first question reproduced here was from Betty Chavez Holcomb of Rawlings.

MS. HOLCOMB. Has the Cheyenne Chamber of Commerce ever considered, or are they currently considering, the possibility of having sessions to raise chamber members' awareness of minority groups in the Cheyenne area? Are they interested in promoting minority business?

MR. BAUMAN. Our Industrial Development Association of Cheyenne has assisted in the establishment of many of the new industries in Cheyenne. The Industrial Development Association of Cheyenne is a branch of the Greater Cheyenne Chamber of Commerce. I don't think it would be any problem at all for them to work with even a minority-owned group business to establish employment opportunities.

I think that it is somewhat of a one-way street when it comes to the civil rights law and the understanding of the small businessman, who is 90 percent of the Greater Cheyenne Chamber of Commerce, who does not have a legal staff or a personnel director who is up on the latest civil rights information.

The chamber would be a perfect way of information dissimination. We do not represent every business in Cheyenne or Laramie County, but we do represent a high enough percentage that I think this type of information could be sent out.

Basically, what it comes down to is communication. I think those problems in hiring or firing are basically a communication problem.

ALBERTA JOHNSON, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (NAACP). The minority contractors have a great deal of trouble getting bonded. They have a great deal of trouble getting bank loans, so that they have "up front" money before they bid for contracts, and it's not going to do any good just to set the money aside if a minority contractor is unable to bid on the contract.

Does the [U.S.] Department of Commerce or the [U.S.] Department of Labor have any kinds of programs to aid minority contractors so that they can bid on the contracts?

MR. NEAL. Right now I don't know of the programs that they have.

It's true that the minority contractors probably don't have the expertise that the nonminorities do. There are various things being done to try to develop that expertise. As long as the contractors bid and as long as there's a 10 percent set-aside, I think that we are going to be able to see that the minority contractors get that share of the money.

The second employment panel resulted in audience amazement at the size of the Colorado Civil Rights Commission budget and staff relative to that in Wyoming. The Colorado budget and staff are approximately 20 times larger than in Wyoming although that State's population may be only 12 times bigger. Not only does the Wyoming Fair Employment Practices Commission need greater support from the legislature but it is obvious from the presentation of Mr. Bauman that work needs to be done to educate the businesses he represents, as president of the Cheyenne Chamber of Commerce, as to the reasons for civil rights commissions and affirmative action.

Chapter 7

Women's Rights

The next panel, moderated by Advisory Committee Chair Juana Rodriguez of Cheyenne, focused on the evolution of women's rights in Wyoming. Participants were Meredith Morrow, chair of the Wyoming Commission for Women, and Oralia Mercado, who spoke earlier on employment discrimination.

Statement of Panelist Meredith Morrow

When you start talking about women's rights, it really entails a large, broad area. Most of us in Wyoming are very proud of being the "Equality State," but let's really look at it. We became a territory in 1869. The first Wyoming Territorial Legislature passed the Equal Pay for Equal Work law that dealt mainly with teachers, but there's very little evidence that it was ever implemented. The right of married women to hold property in their own right was also passed by the legislature, but the woman was not allowed to sell it without her husband's permission.

Wyoming also was one of the first places in the world to give women the right to vote and also to hold political or appointive offices. Three women were appointed as justices of the peace; none of them served very long. Esther Morris, whom most of you know, served for a period of only 8 months.

In 1870 and 1871 the first female jury in the world convened in Laramie. In 1871 there was a change in the judges, and women did not again serve on juries in the State of Wyoming until 1950. After women received the right to vote in the Territory of Wyoming in 1873, there was an "Equality Congress" held in the State. Women came in by buggy to attend this Equality Congress.

They formed what was known as the Women's Party and they nominated some women for political office. But they forgot to get out on election day, so none of the women were elected. In fact, in the first 20 years after the suffrage was passed, only two women ran for political office, neither of whom won.

Right now the second highest elective office in the State of Wyoming, secretary of state, is held by a woman. We have one woman in the State senate and six women in the house of representatives and yet we make up 51 percent of the population.

Our State constitution says lots of nice things. Article 1, section 2, says in their "inherent right to life, liberty, and the pursuit of happiness" all members of the human race are equal. Because it's in writing, therefore you don't have to do anything else. Article 1, section 3, is the article that gives us the right to hold political office and appointive office. Nellie Tayloe Ross was the first elected female Governor in the United States.

In the 1950s, most of the women's organizations had become statewide in Wyoming, but there wasn't that much communication between all the different women's groups. In 1960 a law passed the Wyoming Legislature whereby women could work over 8 hours a day, but they were to be paid time-and-a-half for overtime. What the legislature did not realize in their wisdom was that there was no law on the books saying that men would be paid time-and-a-half for overtime. Therefore, it was discrimination against women because if an employer can hire a man and work him 10 hours a day at straight time, why should he hire a women when he has to pay her time-and-a-half for the extra 2 hours? That was corrected in the 1977 legislature.

Our commission on women was established in 1965 as a Governor's commission by the then-Governor Hansen. There were 35 members on the original commission, both women and men, but no money was involved except what little we could get for some publications. All of the commission members traveled at their own expense.

In 1969 we became statutory. In 1973 we were funded by the legislature for the first time. Between 1971 and 1973, we held seven seminars throughout the State. One of them in Casper was geared to employers, to acquaint them with EEO regulations that were just coming out. There were over 100 employers and other people in attendance at this meeting, and it was the first time anything like this had been done in the State of Wyoming. It was very successful. The other six seminars were held specifically for women and dealt in the four areas of our charge by the legislature. We are charged by the legislature to focus attention upon legal rights and responsibilities, educational opportunities for women in the State of Wyoming, home and community, and employment.

[The year] 1975 was International Women's Year. We held the second Equality Congress here in Cheyenne. Wyoming was one of the first States to pass the Equal Rights Amendment, in 1972.

During the 1977 legislature session, we passed a new sexual assault law. It's a lot better than the old law on the books that had been there since 1890. There was also a law passed concerning child abuse, an excellent piece of legislation. But it's an uphill fight when it comes to women's rights. It has come to my attention within the last week that there is a movement afoot in some areas of the State to repeal the new sexual assault law before it's even been tried in the courts.

In 1976 Congress appropriated $5 million in observance of International Women's Year and also International Women's Decade. Of this, $25,000 was given to the State of Wyoming for an International Women's Year conference. The Wyoming Commission for Women was the instrument through which the money was appropriated.

This conference was held in Casper at which 600 Wyoming people attended. Out of this came some 51 resolutions. These resolutions were sent to Washington. During the same period of time there were 54 conferences held throughout the United States. These resolutions were combined and as a result of that came the National Plan of Action.

In talking with people who work in Wyoming, I find that there are no specific programs for women addicts. There are a lot of programs that are geared specifically for individuals, but the counselors who are treating the addicts have not received any specific training in dealing with the special problems of the female addicts. In Wyoming, there has been one workshop held, put out by the National Institute of Drug Abuse, called "Women in Treatment," and that was the only workshop held dealing specifically with the problems of women. And in talking with people who are knowledgeable in this area, I find that most of the female addicts have dual addictions. They are addicted not only to alcohol but to drugs as well—either amphetamines or barbiturates. Most of our rehabilitation centers are geared for either alcohol abuse or drug abuse. Where does the person with the dual addiction go? This is a problem.

The Wyoming Commission for Women has also, after a year and a half, received a $50,000 CETA [Comprehensive Employment Training Act] grant to survey the State of Wyoming and the barriers of employment to women in the State. We find that there's been very little research done in any areas that concern mainly women.

Ninety percent of the domestic assaults in this country are against women. This is an area that has to be explored. The only area that I am aware of at the present time where there is under consideration a plan to set up a women-in-crisis center in Wyoming is in Rock Springs. There is a new YWCA and they are looking into the possibilities of setting up a women-in-crisis center.

Statement of Panelist Oralia Mercado

One of the things that strikes me the hardest is that we were given a $50,000 grant to figure out what our barriers to employment are. We know what our barriers to employment are. Women know what they are and I don't see any reason for researching it further. I'd rather have a grant to do something about the barriers. For instance, I know one of the biggest barriers is day care, child care. Transportation is a big barrier in Casper. But I'm tired of being researched further, just like I'm tried of being researched as a Chicano.

It's almost unknown for a Chicano female to be in a divorce status, yet it's instilled in us that the male earns the living, the male is the person in the household who makes the decisions. I'm sure that this is not just a Chicano problem, but I think you've all heard the term "machismo," which means "very much a man." Those are just the kinds of things that I feel have been barriers to employment.

Ms. MORROW. The reason we need this information is because you know what the barriers to employment are. I know what some of the barriers of

employment are, but I have nothing concrete to show to the employers and other agencies in Wyoming to say, "This is the way it is. These are the women who are working, who cannot get promoted. These are the women who would like a position for which they qualify, but these are the reasons it's not available. They live in an areas where that type of work is not there, or because they are women, the job market is not open to them."

Ms. MERCADO. What I was getting at is we have 51 resolutions passed by 300 delegates, and to me that's documentation enough. I'd rather see the bigger grant be awarded for something like a women's center, an employment center that would deal with these sorts of things.

Ms. MORROW. A survey is one thing, and a women's center is something else. Women's centers have been started, but they have not reached the point where we can have them funded to the point that they should be. Any time you are dealing with these things you run into the same people all over, and we are spread very thin. And you can only do so much. But you have to start someplace, and you have to have something concrete to show. We have tried since 1965 to have black women, Indian women, Mexican American women on the commission, but since we serve for a period of 6 years, there are very few vacancies. There's only a third that goes off; when you have 27 members, that makes approximately 9 who go off every 2 years because they are staggered terms. We have asked every Governor to appoint minorities, and that's as much as we can do because it's up to the Governor.

We are trying to establish, throughout the State of Wyoming, city and county commissions where we would be able to involve more of the minority women, because it would not involve the travel that the State commission does. But we would want the people who are on the city and county commissions to attend the State commission meetings so that we could pool our resources.

Ms. MERCADO. I've tried at least three times to get on the Governor-appointed commission, and I didn't even receive anything back saying whether or not I was being considered. In the last 2 years I've more or less given up trying to get on, and the Governor knows I'm there.

Ms. MORROW. The reason you didn't receive a reply is because it costs 13 cents to send a letter. The Wyoming Commission for Women has a very limited budget, and I did not think it was necessary to reply to an application. I've hand-carried every single application to the Governor's office, where they are kept on file. The Governor does use the talent resources roster, but if you have more applicants than you have vacancies, you know what happens.

After the interchange between Ms. Morrow and Ms. Mercado, there were several questions from the audience. The one reproduced here is a suggestion to make the Wyoming Commission on Women more effective.

MR. REED. My name is Wilbur Reed, and I'm with the Community Relations Service of the [U.S.] Justice Department. At this time I would like to recommend that the commission of women begin to set up some kind of ad hoc body or coordinating body with the minority women around the State. This way you will be in full contact and have a connecting link with those people to a point where, when there is time or when the opportunity will permit itself for some minority women to be appointed on your commission, you will have them, you will have been in contact with them, and then you can make those recommendations from your body itself to the Governor.

The discussion on women's rights in Wyoming exhibited that, while the laws against sex discrimination have been on the books since 1869, little has been done to implement them. On top of that, the Wyoming Commission on Women, although its members have worked long and diligently, has been given little power and less money to rectify the problems that they have found. The commission needs a bigger budget from the State legislature to set up advisory committees in larger communities in Wyoming to help in its task. In addition, the commission must continue to seek to add minorities to its ranks of members. Finally, the State legislature should give the Wyoming Fair Employment Practices Commission enforcement powers in areas besides employment so that the State has a comprehensive human rights commission as in other States.

Chapter 8

Community Reaction

The last panel of the consultation was composed of community leaders who spoke on issues of concern to them as minority members and women. In addition, some of the panelists chose to react to the presentations of others during the 2-day conference. The panel, moderated by Advisory Committee Member Edna Wright of Rawlins, consisted of Helen Boyd, of Women Involved in Farm Economics (WIFE) in Carpenter; Wanda McCue, a community volunteer from Cheyenne; Tony Mendoza, head of the Snowy Range Community Center in Laramie; Betty Chavez Holcomb, former director of AYUDA Central in Rawlins now dissolved; and Wilbur Reed, Denver office, Community Relations Service, U.S. Department of Justice. Helen Boyd had been invited to speak on civil rights of the self-employed, while Wanda McCue was to speak on community volunteerism.

Statement of Panelist Helen Boyd

I am a farmer's wife, a farmer's daughter, and the reason I'm here is that the rights of us farmers and ranchers are being taken away. For about the last 3 or 4 years, the economic devastation to the farmers and ranchers in America has been severe. I would imagine between now and in the next 8 to 12 months, we will either be able to get our heads up out of the water nationwide or we're going to go under. If we cannot get the United States of America Government, primarily, to allow a free marketplace, I think our very freedom in America is at stake.

I have been living, breathing agriculture and political influences on agriculture ever since the 23d of February, and I think I even dream about it now, 24 hours a day, but with our WIFE organization—which stands for Women Involved in Farm Economics—for the first time we have had people from all communities throughout the United States of America pulling together. We also have another community action in southern Colorado where all the farmers are working together with American agriculture [the American Agricultural Movement].

What the farmers and ranchers will be asking of you and other people in America is to pay 3 percent more for your food. But we farmers and ranchers are going to have the control so that you will not be ripped off at the top. Right now it costs more to process food than it does to raise it. Out of the food dollar, 31 cents goes to the farmer, 33 cents goes to the processor, and 36 cents goes to the transporter. We farmers and ranchers use 3 percent of the energy in America to produce food for you.

Statement of Panelist Wanda McCue

I administer four different volunteer agencies in Cheyenne and all of them deal with low-income people. My total administrative costs for four agencies runs around $15,000 a year. These volunteers hours represent a considerable payroll, and to me they represent one of the things that has not yet been presented here. If you are employed in a position and you see something that is just not on the up and up, it's going to have to get pretty serious and affect you very much before you're going to do anything about it. But if you're a volunteer in that same organization and you see something going on, as a volunteer you have a right as well as obligation to say something about that.

That's one of the angles I'd like to come from.

Statement of Panelist Tony Mendoza

I'm president of the board of directors for the Snowy Range Community Action Agency, which serves three counties in the southern part of the State of Wyoming. I also am a project director of a program at the University of Wyoming called "Educational Talent Search." It's funded through the

[U.S.] Department of Health, Education, and Welfare and administered through the [U.S.] Office of Education.

We've been exposed to a number of things and a number of opinions and a number of situations that for the most part are rather alarming in the State of Wyoming. Mr. Hartley from the State department of education was talking about a move that is coming out of the Association of State School Boards to initiate a proficiency examination for high school students graduating from high schools in Wyoming. One speaker talked at length about how the dropout situation is impacting primarily upon Chicano students from the Cheyenne area, and he talked specifically with regard to seven problem areas that he identified as reasons why Chicano students are failing in the Cheyenne school system, not the least of which are the insensitivity of teachers, meaningless curriculum, language barriers, cultural barriers, and inadequate training of teachers to meet the changing needs of a pluralistic society.

It seems to me that what we face here in Wyoming, and what we find all too often, is what I like to call the "ostrich syndrome." People very typically in positions of influence, positions of authority, in the State of Wyoming have their heads in the sand, and if they don't have their heads in the sand, they're looking in the other direction and saying, "We have no problems," saying that there are no difficulties here in Laramie or in Cheyenne or even in the State of Wyoming. But there are some school districts in the State of Wyoming that simply will not hire blacks or Native Americans or Chicanos, simply because they are members of a particular ethnic group. We heard an opinion expressed here that "women are not striving for administrative positions in Wyoming" and so, consequently, we don't have a whole lot of women in administrative positions in the hierarchy of education.

The point was made about minority student enrollment at the University of Wyoming. We have, at the University of Wyoming, 129 Chicano students. We have approximately 100 to 120 black students and about 35 to 40 Native Americans students. Now, rounding that off, according to what the university enrollment is—generously rounding it,—only 3.1 percent of the university students are minority students.

We have some areas of difficulty in Wyoming with regard to placing women in administrative positions. We have some problems here with regard to assuring that minority children are getting through the educational system, both elementary and secondary, so that they can, in fact, complete successfully a post-secondary educational program in this country.

Education is critical to the survival and to the incorporation of minority people in the "American Dream" of this country, and where we systematically eliminate them at the junior high school level and at the senior high school level, then we cannot expect that they're going to be included in any great representation at all on the post-secondary level.

And it seems to me that a number of the things that we're talking about here are related to education, the pivotal point at which minority people do not have an opportunity for participation in what has been called participation in the "Great American Dream."

I would think that the State department of education would be a little bit more aggressive in terms of enforcement activities and a little less reluctant in the areas of delivery of services. It seems to me that when it becomes expedient for the State department of education to withhold delivery of services or to abstain from enforcement where delivery of services are concerned, they take a very aggressive and very active part in that kind of activity. With regard to enforcement, with regard to making sure that services are delivered to the people that they're intended to be delivered to, the State department of education suddenly adopts a posture of hands off.

When we are talking about delivery of services, when we are talking about opportunities for Americans to participate in what is being called the "American Dream" and getting a piece of that pie—that is, student help programs—we are, in fact, competing with each other. We are, in fact, competing for the very kinds of monies that we ought not to be competing for. Instead, we ought to be sharing those kinds of resources with other agencies and other departments of the Federal Government rather than competing for those resources.

In employment, I suggest that perhaps there's something inherent in the training and the interviewing process for jobs that is giving minorities the message that "I wish you wouldn't come to work here." I wouldn't be surprised if there isn't a systematic and even devious effort on the part of business people in this country to sabotage the civil rights and affirmative action programs by deliberately hiring people who cannot perform the duties, who

cannot perform the responsibilities of a particular given operation.

In the State of Wyoming, we do, in fact, have a way to go with regard to affirmative action and with regard to civil rights. Women's rights are not being protected in the State of Wyoming. Native Americans' rights, Chicanos' rights, and blacks' rights are not being protected in the State of Wyoming. Farmers' rights are not being protected in the State of Wyoming.

Then who is being taken care of in the State of Wyoming?

I would suggest that the U.S. Commission on Civil Rights in the State of Wyoming has its hands full, and I hope what the Commission is realizing is that there are some talented, some capable, and some qualified minorities in this State, and women, who are very anxious to achieve and who are very ready to achieve and to assume leadership roles and who have assumed leadership roles in the State of Wyoming to help solve some of the problems in the State.

Statement of Panelist Betty Chavez Holcomb

I think it's long overdue in this country for the dominant society to bend over backwards in allowing minorities, women, the handicapped entry into status positions, power positions in employment, in quality education, and in all those other areas in our society that assist in the process of development of positive self-image and good identity. This should be accomplished within the framework of our pluralistic society, within the framework of our differences rather than in the direction of trying to make us one group.

Affirmative action is a concept which theoretically allows this to happen. Fair employment practice is a concept that theoretically allows this to happen. Equal employment opportunity theoretically allows this to happen. The various educational titles theoretically allow this to happen. The monitoring for compliance by Federal agencies theoretically allows this kind of thing to happen.

But practically, and in reality, what we do we have? We have understaffed, underpaid, overworked, angry, frustrated people in governmental agencies with large case backlogs. We have equal employment opportunity officers who are frustrated by the demands and pressures of differing views of having to more or less speak for every different group in the community. We have large numbers of poorly and undereducated children coming out of our schools. We have frustrated and angry victims of unfair employment practices, and finally, we have a frustrated and angry and somehow extremely apathetic citizenry.

I bring with me and wish to insert into the record of this consultation and hearing my anger and fear.

The question of "reverse discrimination" is something that troubles me very much. The statement implies the concept that people in a minority group can't make mistakes. I'm here today to reassert my right as a citizen of this country, as a minority, that I, too, can make mistakes. I should be allowed to make mistakes.

Statement of Panelist Wilbur Reed

My office gets involved in conflict where communities and minorities are having problems in housing, in education, in the administration of justice, and in community development. What our agency attempts to do is bring the two communities together—the majority community and minority community.

We try to do this in several ways. One way is through conciliation, where our people go in and assess what the situation is, who the key parties are, how we can get those people together, and how we can open channels of communication. Through another process known as "mediation," a more formal mechanism, we try to get people to sit down across from each other at a table and discuss their concerns.

Around the country we've been involved in many court-ordered busing situations. We were first written into a judge's court order to try and assist all parties in Boston. We were also in Louisville, Detroit, and, of course, at Wounded Knee. I personally spent 60 days there.

Often, we have been successful at preventing violence. Other times, we have not. How do you sit somebody down and say, "Look, you've got these problems"? We're not invited in a lot of times. We come in on our own volition if we hear about a racial problem. For example, I was here in Cheyenne during the Central High School incident 2 years ago. I can't report tremendous success in that situation, but some of the tension might have been reduced. There were lots of attempts to get school administrators and board of education members to hear the minority community's point of view. I also remember the book ban situation just about a year ago; I was

here to try and develop a mechanism so that people could speak to the issue.

A lot of times our strength lies in the willingness of communities to cooperate. It lies in minorities bringing to our attention what's happening in their communities. Every Monday in Washington, we sit at a luncheon with the Attorney General and have the opportunity to discuss what's happening around the country. And we do, indeed, make reports about community racial trends. Our input is at least listened to as decisions are made about what direction the Department's going to move into.

Two weeks ago I was involved in a seminar in Rapid City, South Dakota, where the agency brought together 10 individuals from 10 Federal agencies. We tried to get as many minority community entrepreneurs as possible—in this case, Indian contractors—to have these officials interpret to them the new EDA [Economic Development Administration] law which calls for a 10-percent set-aside for minorities across the board. The white business community opposed the 10 percent set-aside. Recently, we also had a job to close down in Montana because that contractor claimed he couldn't find a minority Indian construction firm.

You may be aware that this is a prime region of the United States for energy development. And with energy development, you've had a lot of strife, racial strife, especially in jurisdictional disputes on Indian reservations. We are currently involved in trying to work out a mediation or conciliation plan to negate some of the long, drawn-out litigation such as is going on in the Big Horn River dispute in Montana. We may be able to ease tensions immediately for those people living contiguous to or on reservations.

We certainly don't have all the answers, but we have opened channels of communication where there were no channels of communication between the minority community and the majority community. On other occasions, we have been able to be quite effective in speaking to racial concerns. A human relations commission is needed in Wyoming. Through our community relations training, we know there are a lot of problems here which can be addressed by a human relations commission.

After the five presentations, Ms. Mercado asked to respond to Ms. Boyd's call for a farm strike.

MS. MERCADO. I think it's interesting that just 3 to 4 years ago the farmers were condemning the United Farm Workers Union and farm workers for striking and boycotting with their income of $2,000 and below, and now you're taking on this as a strategy to do something with your movement in Wyoming. I feel that the farmers all over the Nation didn't want to improve conditions for farm workers and migrant workers. That's what the real problem is. They could provide better housing for their livestock and their tractors than they could for migrants. I saw it with my own eyes. I worked 10 years with migrants in the Worland area. I know what kind of housing they lived in. I know what kind of housing their cattle and their tractors have.

The community reaction panel was the last of the long and profitable 2-day consultation on civil rights in Wyoming. It was the first of its kind in the State and it uncovered frustration, misinformation, and latent talent. Juana Rodriguez, who oversaw creation of the conference, remarked on some of these in calling the consultation to a close.

Concluding Remarks of Juana Rodriguez, Chair

I'd like to thank all the participants for taking an interest in coming to this first consultation on civil rights in the State of Wyoming. It was our purpose to bring together local, State, and Federal officials to talk about the laws that are already on the books in the State of Wyoming.

We were told many things by many people in the past 2 days. We were hoping that each government agency—local, State, and Federal—would at least monitor the panel discussions and listen to the citizens come and ask questions from the floor. Yet, we don't have anyone here from the Governor's office. We don't have anyone here from the State attorney general's office, and most important, we do not have anyone here from the two political parties. This is the name of the game in Wyoming. And pretty soon you will be bombarded with a lot of propaganda as to which party is going to do us the most good. They will come to the minority person, they will come to the low-income person, they will come to the laboring forces and give us this pitch.

Still, I want to take the privilege of my status as the Chairperson of the Wyoming Advisory Committee to the U.S. Commission on Civil Rights to say that until all our statutes are enforced to their fullest extent, we cannot call Wyoming the "Equality State."

Thank you all for coming.

Chapter 9

Conclusion, Findings, and Recommendations

The consultation was both a success and a failure. It failed because most of those who came were already aware of the problems involved in civil rights enforcement in Wyoming. The State has no fair housing law. Its only civil rights enforcement agency is the Wyoming Fair Employment Practices Commission that employs only three people. The agency lacks jurisdiction over the aged and the handicapped and cannot provide legal representation for those who must go to hearing or to court.

Wyoming is called the "Equality State" because it was the first government in the United States to permit women to vote. Still, the Advisory Committee heard that many of the laws against sex discrimination are not enforced. The Wyoming Commission on Women lacks both enforcement powers and money to ensure that the statutes are followed.

State agency civil rights enforcement is fragmented and uneven. Affirmative action plans are not always adhered to; and the Wyoming Department of Education takes a hands-off policy when it comes to civil rights enforcement in local school districts.

Still, the consultation succeeded. People shared ideas, and their suggestions, outlined in this report, are being forwarded to the relevant local, State, and Federal agencies for consideration. In the past, many of the recommendations outlined by the U.S. Commission on Civil Rights and its Advisory Committees have been implemented. The Advisory Committee hopes that most of those suggested in the body of this report and those that follow here will also be implemented.

Findings and Recommendations

Human Rights Commission

Findings: The Advisory Committee found that there is no agency within the State of Wyoming to ensure that persons are not discriminated against because of race, color, religion, sex, national origin, age, or handicap in housing and public accommodations. The Wyoming Fair Employment Practices Commission has jurisdiction only in the area of employment discrimination and not in the areas of age or handicap.

In part because of housing shortages caused by the development of natural resources in the State, a need exists for the immediate creation of an effective fair housing law in Wyoming to ensure that discrimination ceases. Wyoming is one of a handful of States that has no fair housing laws.

Recommendation: The Wyoming Legislature should pass a statute creating a State human rights commission with powers to rectify discrimination based on race, color, religion, sex, nation origin, age, or handicap in housing, public accommodations, and employment. Once established, the human rights commission should assume all of the duties and functions of the present Wyoming Fair Employment Practices Commission.

An 18-member committee, made up of 3 members from each of the State's 6 judicial districts, should be authorized by the Wyoming Legislature and appointed by the Governor to advise the human rights commission on issues of concern in all sections of the State. This advisory committee should reflect the ethnic and sex makeup of Wyoming's population.

Finding: The present Wyoming Fair Practices Commission has only half the staff and budget necessary to investigate discrimination and to educate the public concerning civil rights issues and affirmative action. In addition, employers in the State are unaware of the reasons for affirmative action and of other civil rights issues.

Recommendation: The Wyoming Legislature should appropriate the necessary funds to hire at

least two additional investigators and one secretary for the Wyoming Fair Employment Practices Commission or its successor, a State human rights commission. That commission should conduct educational programs on affirmative action and on civil rights issues for the public in Wyoming.

Employment

Finding: The Wyoming Fair Employment Practices Commission now has no statutory authority to provide free legal representation for complainants who take their cases to a hearing before the commission or to court. Coordinated effort among State agencies to promote affirmative action does not exist. The system of departmental equal employment opportunity officers lacks cohesiveness.

Recommendation: The Wyoming Legislature should provide by statute that persons who file complaints with the commission receive free legal representation. In addition, the Governor should issue an executive order mandating the creation of a uniform affirmative action program for State employees under the direction of a State equal employment opportunity officer.

Medical Care

Finding: Four counties in Wyoming have no public health center. The State narrowly defines qualifications for medicaid services in Wyoming, the result being that marginal income people, disproportionately minority and female, are disqualified from services.

Recommendation: Public health centers should be instituted in all of the State's counties with each hospital providing such services in its own area or district. Medicaid services should be expanded to include marginal income persons.

Education

Finding: Confusion exists relating to the implementation of Title IX, enforced by the U.S. Department of Health, Education, and Welfare, that calls for the end of sex discrimination in education. The University of Wyoming has a small minority representation in both its faculty and student body and an ineffective affirmative action plan. The Wyoming Department of Education pays little attention to the problem of affirmative action.

Recommendation: The University of Wyoming should develop an effective affirmative action plan. Both the plan and compliance with Title IX should be enforced by the Office for Civil Rights of the U.S. Department of Health, Education, and Welfare through the Wyoming Department of Education.

Handicapped Persons

Finding: Because of the recent implementation of laws protecting the handicapped, many questions remain unanswered. It is clear, however, that Federal contractors and fund recipients must accommodate the handicapped. There is need for a local mechanism to monitor handicapped laws.

Recommendation: The Wyoming Fair Employment Practices Commission or its successor, a State human rights commission, should be given jurisdiction to monitor the success or failure of laws protecting the handicapped.

Appendix

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